UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2002/2
E/CN.4/Sub.2/2001/40
22 November 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights

REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS ON ITS FIFTY-THIRD SESSION

Geneva, 30 July-17 August 2001

Rapporteur: Mr. Godfrey Bayour Preware

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I. DRAFT DECISIONS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR ADOPTION

1. Promotion of the realization of the right to drinking water and sanitation

The Commission on Human Rights, taking note of resolution 2001/2 of 10 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to approve the decision to appoint Mr. El Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at the national and international levels, taking also into account questions related to the realization of the right to development, in order to determine the most effective means of reinforcing activities in this field and defining as accurately and fully as possible the content of the right to drinking water in relation to other human rights, and also endorses the decision to request the Special Rapporteur to submit to the Sub-Commission a preliminary report at its fifty-fourth session, a progress report at its fifty-fifth session and a final report at its fifty-sixth session. The Commission requests the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable him to fulfil his mandate.

[See chap. II, sect. A, resolution 2001/2,
and chap. VI.]

2. Working Group on Indigenous Populations

The Commission on Human Rights, taking note of resolution 2001/10 of 15 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the Sub-Commission's request that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for five working days prior to the fifty-fourth session of the Sub-Commission in 2002.

[See chap. II, sect. A, resolution 2001/10,
and chap. VII.]

3. International Decade of the World's Indigenous People

The Commission on Human Rights, taking note of resolution 2001/12 of 15 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to recommend to the Economic and Social Council that it request the United Nations High Commissioner for Human Rights to organize, before the end of the International Decade of the World's Indigenous People in 2003, a seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples to explore possible ways and means of implementing the recommendations included in the final report of the Special Rapporteur, Mr. Miguel Alfonso Martinez (E/CN.4/Sub.2/1999/20).

[See chap. II, sect. A, resolution 2001/12,
and chap. VII.]

4. Terrorism and human rights

The Commission on Human Rights, taking note of resolution 2001/18 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the Sub-Commission's request to the Secretary-General to give the Special Rapporteur, Ms. Kalliopi Koufa, all the assistance necessary for the preparation of her second progress report, in particular by providing for visits to Vienna and New York in order to hold consultations with the competent services and bodies of the United Nations located there, to complement and expand her essential research and to collect all the needed and up-to-date information and data.

[See chap. II, sect. A, resolution 2001/18,
and chap. VIII.]

5. The Social Forum

The Commission on Human Rights, taking note of resolution 2001/24 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, endorses the Sub-Commission's request that the Economic and Social Council authorize the holding in Geneva of a pre-sessional forum on economic, social and cultural rights, to be known as the Social Forum, before the fifty-fourth session of the Sub-Commission, for two days, with the participation of 10 members of the Sub-Commission, taking into account regional representation, and to authorize the provision of all the necessary secretariat facilities for the preparation and servicing of the event.

[See chap. II, sect. A, resolution 2001/24,
and chap. III.]

6. The rights of non-citizens

The Commission on Human Rights, taking note of decision 2001/108 of 15 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights and recalling its own resolution 2000/60 of 24 April 2000, decides to approve the request of the Sub-Commission that the Secretary-General transmit a questionnaire of the Special Rapporteur on the rights of non-citizens to Governments, intergovernmental organizations, the human rights treaty bodies, in particular the Committee on the Elimination of Racial Discrimination, and non-governmental organizations to solicit any information they may wish to submit in connection with the study, in order that the Special Rapporteur may take them fully into account in preparing his progress report for the fifty-fourth session of the Sub-Commission.

[See chap. II, sect. B, decision 2001/108,
and chap. VII.]

7. Presentation of the report of the Working Group on Indigenous Populations on its nineteenth session to the Permanent Forum on Indigenous Issues

The Commission on Human Rights, taking note of decision 2001/112 of 15 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to approve that decision and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Commission on Human Rights, taking note of decision 2001/112 of 15 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to recommend that the Economic and Social Council invite the Chairperson-Rapporteur of the nineteenth session of the Working Group on Indigenous Populations, Ms. Erica-Irene A. Daes, in recognition of the high esteem in which she is held by the world's indigenous community, to attend the first meeting of the Permanent Forum on Indigenous Issues in May 2002, and to present to it the report of the nineteenth session of the Working Group on Indigenous Populations."

[See chap. II, sect. B, decision 2001/112,
and chap. VII.]

8. Measures to improve the functioning of the Sub-Commission on the Promotion and Protection of Human Rights

The Commission on Human Rights, recalling decision 2001/116 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decides, with the aim of improving the functioning of the Sub-Commission and pending approval by the Economic and Social Council, to consider at its annual informal meeting in September any proposals of the Sub-Commission requiring the approval of the Commission, and submits the following draft decision to the Economic and Social Council for adoption at its next session:

> "The Economic and Social Council, recalling decision 2002/... of the Commission on Human Rights and decision 2001/116 of the Sub-Commission on the Promotion and Protection of Human Rights, approves the Commission's decision to consider at its annual informal meeting in September any proposals of the Sub-Commission requiring the approval of the Commission."

[See chap. II, sect. B, decision 2001/116,
and chap. III.]

9. Request to the Commission on Human Rights to restore the fourth week of the annual session of the Sub-Commission

The Commission on Human Rights, taking note of decision 2001/117 of 16 August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to restore the fourth week of the annual session of the Sub-Commission, bearing in mind its important, complex and heavy agenda and its role and the quality of its work as a think-tank of the Commission.

[See chap. II, sect. A, decision 2001/117,
and chap. III.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FIFTY-THIRD SESSION

A. Resolutions

2001/1. Recognition of responsibility and reparation for massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, of colonialism and wars of conquest

The Sub-Commission on the Promotion and Protection of Human Rights,

Referring to its decision 2000/114, and drawing the attention of the international community to the cases of massive and flagrant violations of human rights which should be considered as crimes against humanity and which have, to date, benefited from impunity, in spite of the tragic suffering which slavery, colonialism and wars of conquest have inflicted on numerous peoples in the world,

Considering that it is not possible to combat racism and racial discrimination, struggle against impunity or denounce the human rights violations which persist in the world without taking account of the deep wounds of the past,

Considering also that, in the framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it is necessary that the international community should consider the causes and consequences of those ills which, historically, have been brought about largely by slavery, colonialism and wars of conquest,

Considering further that the historic responsibility of the relevant Powers towards the peoples whom they colonized or reduced to slavery should be the subject of solemn and formal recognition and reparation,

Recalling that this responsibility is all the more well-founded since the periods of slavery and colonialism have brought about a state of economic collapse in the countries concerned, serious consequences in the social fabric and other tragedies which continue even today to affect entire peoples throughout the world,

Considering that the solemn and formal recognition of this historic responsibility towards the peoples concerned should include a concrete and material aspect such as rehabilitation of the dignity of the peoples affected, active cooperation in development not limited to existing measures of development assistance, debt cancellation, implementation of the "Tobin tax", technology transfers for the benefit of the peoples concerned and progressive restoration of cultural objects accompanied by the means to ensure their effective protection,

Considering that it is essential that the implementation of reparation should effectively benefit peoples, notably their most disadvantaged groups, with special attention being paid to the realization of their economic, social and cultural rights, *Convinced* that such recognition and reparation will constitute the beginning of a process that will foster the institution of an indispensable dialogue between peoples whom history has put in conflict for the achievement of a world of understanding, tolerance and peace,

1. *Requests* all the countries concerned to take initiatives which would assist, notably through debate on the basis of accurate information, in the raising of public awareness of the disastrous consequences of periods of slavery and colonialism;

2. *Requests* that a process of reflection should be initiated, in a concerted fashion, on appropriate procedures for guaranteeing the implementation of the present resolution;

3. *Decides* to continue its consideration of the question at its fifty-fourth session.

9th meeting
6 August 2001
[Adopted unanimously. See chap. IV.]

2001/2. Promotion of the realization of the right to drinking water and sanitation

The Sub-Commission on the Promotion and Protection of Human Rights,

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and a wide range of other texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

Taking note of the Declaration on the Right to Development (General Assembly resolution 41/128 of 4 December 1986, annex),

Recalling that in part I, paragraph 10, of the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Taking account of the results of the World Summit for Social Development, held in Copenhagen from 6 to 12 March 1995, especially the recommendations in its Programme of Action (A/CONF.166/9, resolution 1, annex II) concerning the United Nations system to strengthen United Nations operational activities for development in order to ensure the implementation of the World Summit outcome, as well as the United Nations system's capacity for gathering and analysing information and development indicators of social development, taking into account the work carried out by different countries, in particular by developing countries (para. 99 (e)),

Recalling resolutions I (Assessment of water resources), II (Community water supply), III (Agricultural water use), IV (Research and development of industrial technologies), VIII (Institutional arrangements for international cooperation in the water sector) and IX (Financing arrangements for international cooperation in the water sector) adopted at the United Nations Water Conference held in Mar del Plata, Argentina, from 14 to 25 March 1977,

Taking particular account of the International Drinking Water Supply and Sanitation Decade (1981-1990) and the celebration, on 22 March of each year, of the World Day for Water, proclaimed by the General Assembly in its resolutions 35/18 of 10 November 1980 and 47/193 of 22 December 1992, respectively,

Bearing in mind the objectives of a "20:20"-type compact concerning in particular the access of all to drinking water supply and sanitation services, as stated in the *Human Development Report 1994*,

Recalling its resolution 1997/18 of 27 August 1997, in which it decided to entrust to Mr. El Hadji Guissé the task of drafting, without financial implications, a working paper on the question of the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services,

Reaffirming the fundamental principles of equality, human dignity and social justice, and the right to drinking water supply and sanitation for every woman, man and child,

Convinced of the urgent and persistent need for increased attention and commitment by all decision makers to the right of everyone to drinking water supply and sanitation,

Bearing in mind the Protocol on Water and Health to the 1992 Convention on the Use of Transboundary Watercourses and International Lakes, adopted in London in 1999 under the auspices of the Economic Commission for Europe, which refers to the principle of equitable access to water, which should be provided for all members of the population (art. 5 (l)),

Bearing in mind also the principles of the Madeira Declaration on the sustainable management of water resources, adopted by the European Council on Environment Law on 17 April 1999, and the resolution on drinking water adopted by the Council on 28 April 2000,

Taking into consideration the working paper on the promotion of the realization of the right of everyone to access to drinking water supply and sanitation services prepared by Mr. El Hadji Guissé (E/CN.4/Sub.2/1998/7),

Also taking into consideration Commission on Human Rights resolution 2001/25 of 20 April 2001 on the right to food, *Recalling* Commission on Human Rights decisions 1999/108 of 27 April 1999 and 2001/104 of 23 April 2001 on the right to drinking water supply and sanitation services,

Deeply concerned that more than one billion people in the world are still deprived of access to drinking water supply and that almost four billion are not living in decent conditions of sanitation,

1. *Welcomes* Mr. El Hadji Guissé's verbal update of his working paper on the right of everyone to drinking water supply and sanitation services (E/CN.4/Sub.2/1998/7);

2. *Subscribes* to the remarks of the expert to the effect that various obstacles linked to the realization of the right of everyone to drinking water supply and sanitation seriously impede the realization of economic, social and cultural rights, and that equality is an essential element for effective participation in the realization of the right to development and the right to a healthy environment;

3. *Recommends* that the Commission on Human Rights authorize the Sub-Commission to appoint Mr. El Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at the national and international levels, taking also into account questions related to the realization of the right to development, in order to determine the most effective means of reinforcing activities in this field;

4. *Requests* the Special Rapporteur to define as accurately and as fully as possible the content of the right to water in relation to other human rights;

5. *Also requests* the Special Rapporteur to submit to the Sub-Commission a preliminary report at its fifty-fourth session, a progress report at its fifty-fifth session and a final report at its fifty-sixth session;

6. *Requests* the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and interested non-governmental organizations to provide the Special Rapporteur with information relevant to the preparation of his report;

7. *Also requests* the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable him to fulfil his mandate;

8. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 1]

17th meeting
10 August 2001
[Adopted without a vote. See chap. VI.]

2001/3. The effects of the working methods and activities of transnational corporations on the enjoyment of human rights

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling that, under the Charter of the United Nations, one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969, the Declaration and Programme of Action on the Establishment of a New International Economic Order proclaimed by the General Assembly in its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, the Charter of Economic Rights and Duties of States adopted by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, the Declaration of the Principles of International Cultural Cooperation proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966, General Assembly resolution 1803 (XVII) of 14 December 1962, entitled "Permanent sovereignty over natural resources", and General Assembly resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Mindful that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights, reaffirmed that the human person was the central subject of development and underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Noting that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Deeply concerned at the preponderance of the transnational corporations in all spheres of life and at the impact of their activities and working methods on human rights,

Bearing in mind the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy adopted by the Governing Body of the International Labour Organization in November 1977,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Recalling in particular its resolution 1998/8 of 20 August 1998, *Recalling* Commission on Human Rights resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992, 1993/12 of 26 February 1993, 1994/11 of 25 February 1994, 1995/13 of 25 February 1995, 1996/15 of 11 April 1996, 1997/9 of 3 April 1997, 1998/24 of 17 April 1998, 1998/72 of 22 April 1998, 1999/22 of 23 April 1999, 1999/79 of 28 April 1999, 2000/5 of 13 April 2000, 2000/82 of 26 April 2000, 2001/25 and 2001/27 of 20 April 2001, and 2001/32, 2001/33 and 2001/35 of 23 April 2001 concerning the right to development and economic, social and cultural rights,

Taking into account the background document (E/CN.4/Sub.2/1995/11), the report (E/CN.4/Sub.2/1996/12 and Corr.1) submitted by the Secretary-General in accordance with its resolution 1995/31 of 24 August 1995, and the background document (E/CN.4/Sub.2/1998/6) prepared by Mr. El Hadji Guissé in accordance with its resolution 1997/11 concerning transnational corporations,

1. *Thanks* the Chairman of the sessional working group on the working methods and activities of transnational corporations, Mr. El Hadji Guissé, for his report on the third session of the working group (E/CN.4/Sub.2/2001/9);

2. *Also thanks* Mr. Asbjørn Eide and Mr. David Weissbrodt for the important work they have done and requests them to continue their research and submit their research documents to the working group and the Sub-Commission, taking into account the comments and contributions from experts and any other sources, particularly the specialized agencies of the United Nations system, including the International Labour Organization, the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, so that a binding instrument can be drafted;

3. *Supports* the Declaration on the Right to Development and underlines the multidimensional, integrated and dynamic character of this right which favours a partnership for development and constitutes a relevant framework for international cooperation and national action aiming at universal and effective respect for all human rights in their universality, indivisibility and interdependence;

4. *Decides* to extend, for a three-year period, the mandate of the sessional working group of the Sub-Commission established to examine the working methods and activities of transnational corporations, so that it can fulfil its mandate, in particular:

(*a*) Examine, receive and gather information on the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights;

(*b*) Compile a list of the various relevant instruments and norms concerning human rights and international cooperation that are applicable to transnational corporations;

(*c*) Contribute to the drafting of relevant norms concerning human rights and transnational corporations and other economic units whose activities have an impact on human rights;

(*d*) Analyse the possibility of establishing a monitoring mechanism in order to apply sanctions and obtain compensation for infringements committed and damage caused by transnational corporations, and contribute to the drafting of binding norms for that purpose;

(*e*) Compile a list of the various existing regional and international agreements on investment, agriculture, trade and services, in relation to the activities of transnational corporations and their impact on human rights, and analyse their compatibility with the various international human rights instruments;

(*f*) Study the effects of competition among transnational corporations, such as mergers, purchase and resale of companies, and the oligopoly system, on the enjoyment of human rights and on the development choice of peoples, together with their compatibility with international human rights law, particularly with regard to the sovereignty of States and the right to development;

(*g*) Request the secretariat to prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product and financial turnover, respectively;

(*h*) Consider the scope of the obligation of States to regulate the activities of transnational corporations, where their activities have or are likely to have a significant impact on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights, of all persons within their jurisdiction;

5. *Requests* the working group to submit its report on its fourth session to the Sub-Commission at its fifty-fourth session.

25th meeting
15 August 2001
[Adopted without a vote. See chap. VI.]

2001/4. Liberalization of trade in services, and human rights

The Sub-Commission on the Promotion and Protection of Human Rights,

Affirming the fundamental importance of the delivery of basic services, particularly in the areas of health and education, as a means of promoting the realization of human rights, *Emphasizing* the responsibility of Governments to ensure the realization of all human rights, including those to which the provision of such basic services is relevant,

Recognizing the potential human rights implications of liberalization of trade in services, including under the framework of the General Agreement on Trade in Services (GATS),

Acknowledging and emphasizing the entitlement of Governments to regulate to achieve legitimate policy objectives such as to ensure the availability, accessibility, acceptability and quality of basic services such as medical services, education services and other necessary social services,

Noting that in its General Comment 14 the Committee on Economic, Social and Cultural Rights defined the accessibility of a service as having four dimensions: non-discrimination, physical accessibility, economic accessibility and information accessibility,

1. *Calls upon* Governments and international economic policy forums actively to ensure that, in the formulation, interpretation and implementation of policies in relation to the liberalization of trade in services, the liberalization of trade in services does not negatively impact on the enjoyment of human rights by all persons, without discrimination;

2. *Requests* the United Nations High Commissioner for Human Rights to submit a report on the human rights implications of liberalization of trade in services, particularly in the framework of the General Agreement on Trade in Services (GATS), to the Sub-Commission at its fifty-fourth session;

3. *Encourages* other relevant United Nations agencies, in particular the World Health Organization and the United Nations Educational, Scientific and Cultural Organization, to undertake analyses, within their respective competencies, of the implementation of GATS on the provision of basic services such as health and education services;

4. *Recommends*, through the United Nations High Commissioner for Human Rights, that the World Trade Organization and its Council for Trade in Services, in conducting its assessments of the impact of GATS in its current and future forms, include consideration of the human rights implications of the international trade in basic services (such as, inter alia, the provision of affordable and accessible health and education services) and the further liberalization thereof;

5. *Also recommends*, through the United Nations High Commissioner for Human Rights, that the World Trade Organization take into account in assessments of the implementation of GATS the report to be prepared by the United Nations High Commissioner for Human Rights and any analyses prepared by other United Nations agencies;

6. *Encourages* the United Nations High Commissioner for Human Rights and other relevant United Nations agencies that have not already done so to request observer status with the Council for Trade in Services of the World Trade Organization;

7. *Decides* to continue its consideration of this matter under the same agenda item at its fifty-fourth session.

25th meeting
15 August 2001
[Adopted without a vote. See chap. VI.]

2001/5. Globalization and its impact on the full enjoyment of all human rights

The Sub-Commission on the Promotion and Protection of Human Rights,

Guided by the purposes and principles of the Charter of the United Nations and expressing in particular the need to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction,

Realizing that globalization is not merely an economic process but also has social, political, environmental, cultural and legal dimensions which have an impact on the full enjoyment of all human rights,

Reaffirming that, as declared in article 28 of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration can be fully realized and that, as declared in article 25, paragraph 1, everyone has the right to a standard of living adequate for the full realization of economic, social and cultural rights,

Stressing that the progressive realization of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights is a binding obligation upon States parties,

Emphasizing the undertaking contained in article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights requiring each State party to cooperate internationally with a view to achieving progressively the full realization of the rights recognized in the Covenant,

Recalling that the Vienna Declaration and Programme of Action confirmed that the promotion and protection of human rights and fundamental freedoms is the first responsibility of Governments and that the human person is the central subject of development,

Considering that attention to the human rights obligations of Governments participating in international economic policy formulation will help to ensure socially just outcomes in the formulation, interpretation and implementation of those policies, *Welcoming* the participation of the World Trade Organization, the International Monetary Fund and the World Bank in its discussions and hoping for their continued participation in such dialogue,

Noting with appreciation the ongoing work of the Committee on Economic, Social and Cultural Rights, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, the Special Rapporteur on the right to food, the Special Rapporteur on the effects of structural adjustment and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights, the independent expert on the right to development and other special procedures of the Commission on Human Rights in addressing the human rights implications of globalization,

Also noting with appreciation the ongoing work of the International Labour Office Governing Body Working Party on the Social Dimension of Globalization,

Concerned about the impact of liberalization of trade in agricultural products upon the promotion and protection of the right to food for members of vulnerable communities,

Wishing to highlight the relevance and importance of addressing human rights obligations in the formulation and periodic review of national Poverty Reduction Strategy Papers,

1. *Welcomes* the progress report submitted by Mr. J. Oloka-Onyango and Ms. Deepika Udagama on globalization and its impact on the full enjoyment of human rights (E/CN.4/Sub.2/2001/10);

2. *Reaffirms* the importance and relevance of human rights obligations in all areas of governance and development, including international and regional trade, investment and financial policies and practices, while confirming that this in no way implies the imposition of conditionalities upon aid to development;

3. *Urges* all Governments and international economic policy forums to take international human rights obligations and principles fully into account in international economic policy formulation, including during the forthcoming Fourth Ministerial Conference of the World Trade Organization (Doha, 9-13 November 2001);

4. *Encourages* the Special Rapporteurs on globalization and its impact on the full enjoyment of human rights to examine further the relationship between international human rights law and international economic law, particularly in relation to the functioning of multilateral and plurilateral economic institutions; to focus on guidelines and mechanisms necessary to deal effectively with the phenomenon of globalization and its varied impacts on the full enjoyment of human rights; and to propose further measures necessary to ensure that the United Nations human rights regime is strengthened to address the challenges presented;

5. *Recommends* that Governments engaged in the preparation of Poverty Reduction Strategy Papers include in them reference to applicable human rights obligations and ensure that the realization of such obligations is incorporated in the objectives defined in their Poverty Reduction Strategy Papers;

6. *Encourages* the Special Rapporteur on the right to food to explore, within his mandate, the implications for the realization of the right to food of liberalization of the international trade in agricultural products, particularly in the framework of the Agreement on Agriculture of the World Trade Organization;

7. *Encourages* the Committee on Economic, Social and Cultural Rights and other bodies monitoring the implementation of human rights treaty obligations in the area of economic, social and cultural rights to explore, in the course of reviewing States parties' reports, the implications for the realization of the right to food of liberalization of the international trade in agricultural products, particularly in the framework of the Agreement on Agriculture of the World Trade Organization;

8. *Recommends* that the Commission on Human Rights consider requesting that an expert consultation be convened on economic globalization and human rights, involving special rapporteurs and other special mechanisms of the Commission having relevant mandates, members of the Sub-Commission, United Nations agencies with relevant competencies, the World Bank and the International Monetary Fund, other international economic institutions, including the World Trade Organization and the Organisation for Economic Co-operation and Development, academics and relevant civil society representatives.

25th meeting
15 August 2001
[Adopted without a vote. See chap. VI.]

2001/6. Optional protocol to the International Covenant on Economic, Social and Cultural Rights

The Sub-Commission on the Promotion and Protection of Human Rights,

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Reaffirming the need to reinforce the realization of economic, social and cultural rights through the provision of adequate mechanisms and remedies when they are violated,

Recalling its call for the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights to consider communications from individuals made in its resolution 1996/13 of 23 August 1996, *Recalling also* its resolution 2000/9 of 17 August 2000 in which it suggested that the Commission on Human Rights should establish an open-ended working group entrusted with the further study of a draft optional protocol and decided to monitor progress towards the further elaboration and the adoption of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights,

Noting the comments made in 2000 by States and intergovernmental and non-governmental organizations on the report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1997/105, annex) and on the options relating to the proposal for a draft optional protocol contained in the report of the United Nations High Commissioner for Human Rights (E/CN.4/2000/49),

Welcoming the report of the High Commissioner for Human Rights on the workshop on the justiciability of economic, social and cultural rights, with particular reference to the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, held on 5 and 6 February 2001 (E/CN.4/2001/62/Add.2),

Welcoming also the decision of the Commission on Human Rights in resolution 2001/30 of 20 April 2001 to appoint an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights,

Considering, however, that an inter-sessional open-ended working group of the Commission on Human Rights is the appropriate mechanism to examine the question of a legally binding instrument such as a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights,

1. *Urges* the Commission on Human Rights to give high priority to the consideration of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights to consider communications from individuals;

2. *Reiterates* its suggestion that the Commission on Human Rights establish at its fifty-eighth session an inter-sessional open-ended working group entrusted with the further study of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights;

3. *Decides* to continue to follow progress towards the further elaboration and the adoption of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights at its fifty-fourth session under the same agenda item.

25th meeting
15 August 2001
[Adopted without a vote. See chap. VI.]

2001/7. The right to food, and the World Food Summit: five years later

The Sub-Commission on the Promotion and Protection of Human Rights,

Noting that the world's leaders will meet in Rome in November 2001 to review progress and follow-up to the Rome Declaration on Food Security and the Plan of Action adopted by the World Food Summit in November 1996,

Recalling its resolution 1996/25 of 29 August 1996, in which it appealed to the world's leaders who were to assemble in Rome for the World Food Summit in 1996 to reaffirm the fundamental right of every man, woman and child to be free from hunger, and to propose ways in which the right to food could be further clarified and implemented,

Noting with satisfaction that the World Food Summit responded positively to that appeal, both through the Rome Declaration on World Food Security and the Plan of Action adopted by the Summit, in particular its objective 7.4 which invited the United Nations High Commissioner for Human Rights, in cooperation with Governments, other international organizations and civil society, to clarify the right to adequate food and the steps needed to implement it,

Acknowledging the vigorous process that has taken place to follow up this mandate during the five years that have passed since the World Food Summit, implying contributions by various United Nations human rights and development institutions and inter-agency arrangements, non-governmental organizations and civil society,

Noting in particular General Comment No. 12 on the right to adequate food adopted by the Committee on Economic, Social and Cultural Rights in 1999, which clarified the content of the right to food and to be free from hunger and recommended steps for its progressive implementation by States and the international community,

Noting with satisfaction the appointment by the Commission on Human Rights of a Special Rapporteur on the right to food,

Taking into account the three consultations held by the High Commissioner for Human Rights, in Geneva in 1997, in Rome in 1998, hosted by the Food and Agriculture Organization of the United Nations, and in Bonn in March 2001, hosted by the Government of Germany, the latter with special emphasis on issues of country-level implementation,

1. *Appeals* to the world's leaders, through the Commission on Human Rights, when they assemble in Rome in November 2001 for the World Food Summit: five years later:

(*a*) To reaffirm the right of everyone to adequate food and to be free from hunger, as firmly established in international human rights law and further clarified by the Committee on Economic, Social and Cultural Rights in its General Comment No. 12 on the right to adequate food;

(*b*) To call on States to develop, consistent with their resources and capacities, a national strategy to implement progressively the right of all to adequate food and to be free from hunger, in order to achieve their individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action of the World Food Summit;

(*c*) To promote the explicit incorporation of the right to adequate food and to be free from hunger in poverty reduction strategies;

(*d*) To manifest their solidarity with all peoples and to encourage further clarification of States' international responsibilities in implementing the right to adequate food and to be free from hunger, considering both international human rights legal provisions and other international instruments relevant to the right to food and the relationships between them;

(*e*) To mobilize and optimize the allocation and utilization of technical, human and financial resources from all sources in order to reinforce national actions to implement sustainable food security policies.

25th meeting
15 August 2001
[Adopted without a vote. See chap. VI.]

2001/8. Implementation of existing human rights norms and standards in the context of the fight against extreme poverty

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights,

Recalling in particular that article 25 of the Universal Declaration of Human Rights stipulates that everyone has the right to a standard of living adequate for the health and well-being of him/herself and of his/her family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his/her control,

Reaffirming the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, reaffirmed during the twenty-fourth special session of the General Assembly on the follow-up to the World Summit, held in Geneva in June 2000, which provide the substantive framework for eradicating poverty by setting specific targets, drawing up plans and implementing programmes, *Recalling also* Commission resolution 2001/31 of 13 April 2001 on human rights and extreme poverty, in which the Commission expressed its deep concern that 53 years after the adoption of the Universal Declaration of Human Rights, extreme poverty continued to spread in all countries of the world, regardless of their economic, social and cultural situation, and that its extent and manifestations, such as hunger, disease, lack of adequate shelter, illiteracy and hopelessness were particularly severe in developing countries, while acknowledging the achievements made in many parts of the world,

Mindful that in its resolution 2001/31 the Commission also requested the Sub-Commission to consider the need to develop, on the basis of the various relevant international texts, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar on Human Rights and Extreme Poverty organized in accordance with Commission resolution 2000/12 of 17 April 2000 and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty and to report to the Commission at its fifty-ninth session,

Recalling its own resolutions 1999/15 of 25 August 1999 on women and the right to development and 1996/23 of 29 August 1996 on human rights and extreme poverty, as well as resolution 1996/22 of 29 August 1996 and decision 1998/105 of 20 August 1998 on the right to development, and the follow-up thereto contained in resolution 1999/9 of 25 August 1999,

Expressing its appreciation once more for the final report and the addendum on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution (E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8) prepared by Mr. José Bengoa,

Taking note of the report of the Expert Seminar on Human Rights and Extreme Poverty (E/CN.4/2001/54/Add.1 and Corr.1), organized by the High Commissioner for Human Rights in accordance with Commission on Human Rights resolution 2000/12, and its conclusions,

Recalling the report of the Secretary-General (E/CN.4/Sub.2/2000/14 and Add.1) on promoting the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006), submitted in accordance with Sub-Commission resolution 1999/9,

Noting that a global study on poverty must consider regional specificities and approach the issues from a juridical, legal, institutional and socio-economic perspective, and using a human rights framework,

Taking into account the importance of international programmes against poverty, the "new poverty agenda" indicated by the International Monetary Fund and other international agencies, the projects and policies of the World Bank and other international financial bodies, and other relevant declarations and international programmes, *Taking into account also* that the fight against poverty is one of the agreed international development goals and the importance of placing this issue at the centre of discussions in the forthcoming new Sub-Commission body, the Social Forum,

Aware of the need to explore possibilities for the implementation of existing human rights norms and standards in the context of the fight against extreme poverty,

Welcoming the request of the Commission expressed in its resolution 2001/31 in this regard,

1. *Reaffirms* that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and might, in some situations, constitute a threat to the right to life, and that its immediate alleviation and eventual eradication must remain a high priority for the international community;

2. *Re-emphasizes* that extreme poverty is a major issue to be addressed by Governments, civil society organizations and the organs and agencies of the United Nations system, including international trade and financial institutions, and in this context reaffirms that political commitment is a prerequisite for the eradication of poverty;

3. *Requests* Mr. Paulo Sérgio Pinheiro, Mr. Yozo Yokota, Mr. El Hadji Guissé and Mr. José Bengoa to prepare a joint working paper, without financial implications, on the need to develop, on the basis of the various relevant international instruments, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar on Human Rights and Extreme Poverty and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty, to be submitted to the Sub-Commission at its fifty-fourth session so that it may be considered and thereafter forwarded to the Commission for consideration at its fifty-ninth session;

4. *Also requests* that the authors specifically consider the situations of poverty in Asia, Africa and Latin America in the light of international jurisprudence, treaties, covenants and other relevant instruments, in order to alleviate the situation of poverty, and that the authors also consider the policies of the World Bank, the World Trade Organization, the International Monetary Fund and other international bodies in order to fight poverty;

5. *Further requests* that the authors present conclusions and recommendations in order to contribute to work on a draft declaration on extreme poverty and human rights and other international and regional initiatives;

6. *Invites* the Secretariat to assist in the preparation of the study;

7. *Asks* Governments to provide data, including statistical information and information pertaining to the legal, economic or other measures they have taken to address the issue of poverty;

8. *Requests* regional specialized bodies in Asia, Africa and Latin America and international agencies such as the United Nations Conference on Trade and Development, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and others to collaborate and provide information for the study.

25th meeting
15 August 2001
[Adopted without a vote. See chap. VI.]

2001/9. The rights of minorities

The Sub-Commission on the Promotion and Protection of Human Rights,

Noting Commission on Human Rights resolution 2001/55 of 24 April 2001 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Having considered the report of the Working Group on Minorities on its seventh session (E/CN.4/Sub.2/2001/22) and in particular the conclusions and recommendations contained therein,

Disturbed at the continued widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered and exploited by one or more of the parties to the conflict,

Reiterating the need for States, minorities and majorities to search for peaceful and constructive solutions to problems affecting minorities,

Emphasizing the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to situations involving minorities,

1. *Endorses* the conclusions and recommendations of the Working Group on Minorities at its seventh session as contained in its report (E/CN.4/Sub.2/2001/22);

2. *Welcomes* the Working Group's practice of requesting its members, and of encouraging the Working Group's partners, to prepare, without financial implications, papers on thematic issues;

3. *Welcomes* the work of the Office of the United Nations High Commissioner for Human Rights with a view to publishing a United Nations guide for minorities containing an overview of relevant procedures and mechanisms of regional and international organizations,

as well as the text of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the final text of the commentary to the Declaration (E/CN.4/Sub.2/AC.5/1998/WP.1), prepared by the Chairperson of the Working Group on Minorities;

4. *Notes with satisfaction* the work undertaken by the Chairperson of the Working Group to prepare a statement for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance focusing on the relationship between the elimination of racial discrimination and the protection of minorities;

5. *Notes* that 2002 will be the year of the tenth anniversary of the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and in this regard recommends that consideration be given to: an international year for the world's minorities; the possible appointment of a Special Rapporteur on minority issues; and the possible establishment of a voluntary trust fund to facilitate the participation in the Working Group of minority representatives and experts from developing countries and for the organization of other activities relating to the protection of minorities;

6. *Takes note with satisfaction* of the second African workshop on multiculturalism in Africa, held in Kidal, Mali, from 8 to 13 January 2001, and the intention of the Working Group to hold other regional seminars, and recommends that the participation in such meetings of minority experts from developing countries be facilitated;

7. *Recommends* that the High Commissioner for Human Rights, when inviting, inter alia, Governments to submit their views on how best to protect the rights of persons belonging to minorities, also request them: to provide their views on the possible drafting of a convention on the rights of minorities, including regional standard setting, as well as on the possibility of establishing regional institutions for conflict prevention and resolution, such as that of the High Commissioner for National Minorities of the Organization for Security and Co-operation in Europe, to consider providing the names of experts with a view to facilitating their participation in regional and international meetings and in advisory services, and to consider providing information about recent cases relating to minority rights considered in the highest courts of the country;

8. *Takes note* of the future thematic discussions planned in the Working Group on autonomy and integrative measures for the better protection of the rights of minorities and for the mainstreaming of the human rights of persons belonging to minorities in national development plans and international development cooperation, and requests the Secretary-General to invite United Nations funds and programmes, including the United Nations Development Fund, as well as the World Bank and the regional development banks, to provide information on their policies concerning the protection of minority rights and on the incorporation of such concerns in their country programmes;

9. *Requests* Mr. Asbjørn Eide to update, without financial implications, his study on peaceful and constructive approaches to situations involving minorities (E/CN.4/Sub.2/1993/34), and to submit a progress report on the update to the Sub-Commission at its fifty-fourth session and the final report at its fifty-fifth session;

10. *Appeals* to all States, specialized agencies, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

11. *Recommends* that the Office of the United Nations High Commissioner for Human Rights be further strengthened to provide additional regional expertise and services to the Working Group for the undertaking of relevant studies, evaluation and action.

25th meeting
15 August 2001
[Adopted without a vote. See chap. VII.]

2001/10. Working Group on Indigenous Populations

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling its resolution 2000/14 of 17 August 2000,

Reaffirming the urgent need to recognize, promote and protect more effectively the rights of indigenous peoples, including their human rights and fundamental freedoms,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

Taking note with deep appreciation of the report of the Working Group on Indigenous Populations on its nineteenth session (E/CN.4/Sub.2/2001/17) and, in particular, of its conclusions and recommendations,

Recalling Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous people,

Welcoming the discussions in the Working Group on Indigenous Populations during its nineteenth session on the principal theme "Review of developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples: indigenous peoples and their right to development, including participation in development affecting them", and the fruitful debate on standard-setting, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the International Decade of the World's Indigenous People, *Welcoming also* the contribution made by the workshop on indigenous children and development, convened by non-governmental organizations at the United Nations Office at Geneva from 19 to 21 July 2001, to the debate on the principal theme of the nineteenth session,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20, and Part II, paragraphs 28 to 32, of the Vienna Declaration and Programme of Action,

1. *Expresses its deep appreciation* to all members of the Working Group on Indigenous Populations, and in particular to its Chairperson-Rapporteur, Ms. Erica-Irene Daes, for the important and constructive work accomplished during its nineteenth session;

2. *Requests* the Secretary-General to transmit the report of the Working Group on its nineteenth session (E/CN.4/Sub.2/2001/17) to the United Nations High Commissioner for Human Rights, indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to all thematic rapporteurs, special representatives, independent experts and working groups;

3. *Requests* that the above-mentioned report of the Working Group be made available to the Commission on Human Rights at its fifty-eighth session;

4. *Recommends* that the Working Group, upon request, cooperate as a body of experts in any conceptual clarification or analysis which might assist the open-ended inter-sessional working group established by the Commission on Human Rights in its resolution 1995/32 of 3 March 1995 to elaborate further the draft United Nations declaration on the rights of indigenous people;

5. *Also recommends* that the Working Group at its twentieth session adopt as the principal theme "Indigenous peoples and their right to development, including their right to participate in development affecting them", as decided by the Working Group (E/CN.4/Sub.2/2001/17, para. 160), in order to continue its consideration of that important matter, and that the Office of the High Commissioner for Human Rights invite the United Nations Development Programme and other relevant United Nations organizations to provide information and, if possible, to participate in the meetings of the Working Group;

6. *Requests* the Commission on Human Rights to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data, in particular on the principal theme, to the Working Group at its twentieth session;

7. *Requests* the High Commissioner for Human Rights, in consultation with interested Governments, to continue efforts to organize meetings on indigenous issues in different parts of the world, in particular in Africa, Asia and Latin America, to provide greater opportunity for participation of peoples from these regions and to raise public awareness about indigenous peoples;

8. *Requests* the High Commissioner to encourage studies with respect to the rights to food and adequate nutrition of indigenous peoples and indigenous peoples and poverty, stressing the linkage between their present general situation and their land rights, and to develop further cooperation with the Food and Agriculture Organization of the United Nations and the World Food Programme on indigenous issues;

9. *Calls upon* the organizers of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to ensure that a mechanism exists for the full and active participation of representatives of indigenous peoples in all preparatory meetings as well as the World Conference itself, as a further measure to implement the theme of the International Decade of the World's Indigenous People, "Partnership for action";

10. *Recommends* that the organizers of the World Conference invite indigenous representatives to address its plenary session, in the spirit of General Assembly resolution 50/157 of 21 December 1995, and as a further measure to implement the theme of the International Decade;

11. *Also recommends* that the Office of the High Commissioner for Human Rights organize a parallel activity on indigenous issues during the World Conference and that funds be set aside for this purpose as well as for the participation of indigenous peoples at the Conference;

12. *Further recommends* that a chapter in both the declaration and the programme of action of the World Conference be dedicated to indigenous peoples and that the World Conference recognize that indigenous peoples, when referred to collectively, are "peoples";

13. *Suggests* that the High Commissioner for Human Rights organize a workshop for indigenous peoples in the context of the International Year of Ecotourism in 2002;

14. *Requests* the Chairperson-Rapporteur or other members of the Working Group to inform the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations that the Working Group at its twentieth session will highlight the issue "The Working Group on Indigenous Populations: achievements in the United Nations system and a vision for the future", so that the Board can bear this in mind when it meets for its fourteenth session;

15. *Appeals* to all Governments, organizations, including non-governmental organizations and indigenous groups, and individuals in a position to do so to consider contributing to the United Nations Voluntary Fund for Indigenous Populations in order to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations and the open-ended inter-sessional working group on the draft United Nations declaration on the rights of indigenous people;

16. *Recommends* that the Commission on Human Rights invite the United Nations Development Programme and the World Bank to present their new policy guidelines on indigenous peoples at the twentieth session of the Working Group so that indigenous peoples and communities can be better informed about initiatives in this area;

17. *Invites* Ms. Iulia Antoanella Motoc to prepare a working paper for the twentieth session of the Working Group containing proposals and suggestions for possible future standard-setting activities that might be undertaken, as well a second working paper on the consequences of biotechnology on indigenous peoples;

18. *Requests* Ms. Erica-Irene Daes to prepare a working paper on indigenous peoples' permanent sovereignty over natural resources, which is relevant to her study on indigenous peoples and their relationship to land (E/CN.4/Sub.2/2001/21);

19. *Requests* the Secretary-General to prepare an annotated agenda for the twentieth session of the Working Group in accordance with the decision of the Working Group (E/CN.4/Sub.2/2001/17, para. 183);

20. *Requests* the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group on Indigenous Populations to meet for five working days prior to the fifty-fourth session of the Sub-Commission in 2002;

21. *Recommends* to the Commission on Human Rights the following draft decision for adoption:

[For the text, see chap. I, draft decision 2.]

25th meeting
15 August 2001
[Adopted without a vote. See chap. VII.]

2001/11. World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

The Sub-Commission on the Promotion and Protection of Human Rights,

Bearing in mind the principles, standards and norms embodied in international instruments relating to the promotion and protection of human rights, including in particular the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, as well as relevant conventions and declarations of the International Labour Organization and the United Nations Educational Scientific and Cultural Organization,

Reaffirming the objectives set forth in the Charter of the United Nations on achieving international cooperation in solving problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination or distinction as to race, colour, sex, social class, descent, national or ethnic origin, language or religion, *Reaffirming also* its conviction that racism, racial discrimination, xenophobia and related intolerance fundamentally undermine the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights and the firm determination and commitment of the United Nations to eradicate, totally and unconditionally, racial discrimination in all its forms,

Bearing in mind the broad definition of racial discrimination provided in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination,

Noting that in its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the General Assembly set as one of the main objectives of the Conference the review of the political, historical, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance,

Concerned at the phenomenon of globalization, accompanied by a concentration of wealth, on the one hand, and marginalization and exclusion, on the other, and its effects on the right to development and on living standards, as well as on the increase in the phenomena of racism, racial discrimination, xenophobia and related intolerance,

Sharing the grave concern of the Commission on Human Rights, expressed in resolution 2001/5 of 18 April 2001, that despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and racist acts of violence are on the increase,

Aware that the World Conference should carefully consider the relationship between discrimination based on race and discrimination based, inter alia, on gender and religion, as well as economic marginalization and social exclusion,

Concerned at the increase in contemporary forms of slavery,

Noting that the preparatory process for the World Conference included the second session of the Preparatory Committee, held from 21 May to 1 June 2001, and the third session, which met from 30 July to 10 August 2001,

Noting also its resolution 2001/1 of 6 August 2001, in which the Sub-Commission emphasizes the historic responsibility for slavery and colonialism and requests all countries concerned to take initiatives, notably through debate on the basis of accurate information, in the raising of public awareness of the disastrous consequences of periods of slavery and colonialism,

Encouraging all measures necessary, including facilitation of speedy accreditation, for the effective participation of non-governmental organizations from all parts of the world and diverse and representative sections of civil society, as accepted by the Preparatory Committee for the World Conference, *Noting* that in resolution 1998/26 of 17 April 1998 the Commission on Human Rights invited the Sub-Commission to carry out studies without delay, within the framework of the objectives laid down in General Assembly resolution 52/111, and to transmit its recommendations to the Commission and, through the Commission, to the Preparatory Committee,

Welcoming the work of its members thus far in preparation for the World Conference, including:

(*a*) The working paper on the concept and practice of affirmative action (E/CN.4/Sub.2/1998/5) submitted by Mr. Marc Bossuyt and his preliminary (E/CN.4/Sub.2/2000/11 and Corr.1) and progress (E/CN.4/Sub.2/2001/15) reports on the same topic;

(*b*) The working paper and preliminary report on the rights of non-citizens submitted by Mr. David Weissbrodt (E/CN.4/Sub.2/1999/7 and Add.1 and E/CN.4/Sub.2/2001/20 and Add.1);

(*c*) The working paper on globalization in the context of increased incidents of racism, racial discrimination and xenophobia submitted by Mr. J. Oloka-Onyango (E/CN.4/Sub.2/1999/8);

(*d*) The preliminary report on the subject of globalization and its impact on the full enjoyment of human rights submitted by Mr. J. Oloka-Onyango and Ms. Deepika Udagama (E/CN.4/Sub.2/2000/13);

(*e*) The working papers on proposals, and further proposals, for the work of the World Conference submitted by Mr. Paulo Sérgio Pinheiro (A/CONF.189/PC.1/13/Add.1 and A/CONF.189/PC.2/19/Add.1);

(*f*) The working paper on proposals for the work of the World Conference relating to discrimination against indigenous peoples submitted by Ms. Erica-Irene Daes (E/CN.4/Sub.2/2001/2);

1. *Declares* that all forms of racism and racial discrimination, whether in their institutionalized form or resulting from doctrines and practices of racial superiority or separation, whether committed against citizens or non-citizens present in the territory of a State, are among the most serious violations of human rights in the contemporary world and must be combated;

2. *Also declares* that human rights principles relating to racism and racial discrimination are at the core and foundation of all human rights, and that racism and racial discrimination must therefore be eliminated with respect to the full spectrum of human rights, be they social, cultural, economic, civil, or political;

3. *Commends* all States that have ratified or acceded to the international instruments with the objective, inter alia, of putting an end to racism, racial discrimination, discrimination against migrants and slavery, and invites all States that have not yet done so to ratify or accede to them as soon as possible, as well as to accept provisions for individual communications;

4. *Encourages* educational institutions, non-governmental organizations and the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

5. *Regrets* the continued lack of interest, support and financial resources for the Third Decade to Combat Racism and Racial Discrimination and the Programme of Action for the Third Decade and calls upon all Governments, United Nations bodies, specialized agencies and interested non-governmental organizations to contribute fully to the implementation of the Programme of Action;

6. *Welcomes* the recommendations of the regional preparatory conferences for the World Conference held in the Islamic Republic of Iran for Asia, Senegal for Africa, France for the Council of Europe and Chile for Latin America and the Caribbean;

7. *Expresses its gratitude* to the Government of South Africa for hosting the World Conference, to be held from 31 August to 7 September 2001;

8. *Recommends* that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the human rights of migrants play an integral role in all processes regarding the World Conference;

9. *Expresses its gratitude* to Mr. Paulo Sérgio Pinheiro for his participation in the Preparatory Committee as the representative of the Sub-Commission;

10. *Expresses its conviction* that the draft declaration and programme of action to be adopted by the World Conference, will focus on action-oriented and practical steps to eradicate racism, including measures of prevention, education and protection, and the provision of effective remedies;

11. *Encourages* the active and effective participation in the World Conference of all organs of society from all parts of the world and non-governmental organizations representing victims of racism, racial discrimination, xenophobia and related intolerance, including those representing indigenous peoples;

12. *Suggests* that the World Conference focus, inter alia, on situations of racism, racial discrimination, xenophobia, related intolerance and ethnic conflict and other patterns of discrimination, such as contemporary forms of slavery, that are based on, inter alia, race, colour, social class, minority status, descent, national or ethnic origin or gender, including topics such as:

(*a*) The link between contemporary forms of slavery and racial and other discrimination based on descent;

(*b*) The impact of massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, colonialism and wars of conquest;

(*c*) The current realities in the aftermath of slavery and colonialism, including the legal implications of the slave trade and the conditions of persons of African descent in all continents, including Europe;

(*d*) The impact of globalization on the question of racial equality, including globalization in the context of the increase in incidents of racism, and the economic basis of racism;

(*e*) The need to implement effectively activities and programmes to combat racism, racial discrimination, xenophobia and related intolerance in development programmes and for donors to provide additional resources for these activities;

(*f*) The treatment of indigenous peoples, minorities, migrants, victims of trafficking, refugees, asylum-seekers, other non-citizens and displaced persons, as well as the related phenomenon of xenophobia;

(*g*) The reasons for the non-ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(*h*) The prevention of racial discrimination, including early warning and urgent procedures and sanctions, as well as the accountability of non-State actors;

(*i*) Recognition, remedies, redress mechanisms and reparations for racial discrimination for victims and descendants of victims of racism, including for example affirmative action and compensation, accurate textbooks on historical events, memorials and truth commissions, as well as independent mechanisms for monitoring the effectiveness of remedies and redress mechanisms;

(*j*) International mechanisms for the effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination at the international, national and local levels, and their progressive development;

(*k*) International mechanisms for the protection of the rights of persons belonging to minorities and ensuring peaceful group accommodation based on human rights;

(*l*) Improved mechanisms for the implementation of international conventions against contemporary forms of slavery;

(*m*) The incompatibility between freedom of speech and campaigns promoting hate, intolerance and violence on the basis of racism, racial discrimination and xenophobia, particularly in the digital age;

(*n*) The implications of multiple identities (race, colour, descent, minority status, national or ethnic origin and gender);

(*o*) The need to take necessary constitutional, legislative and administrative measures, including forms of affirmative action, to prohibit and redress all forms of discrimination;

(*p*) The need for States and human rights mechanisms to recognize any discriminatory element in situations involving other alleged violations of human rights;

(*q*) Policies to be implemented to eradicate the discrimination endured by indigenous peoples;

(*r*) Encouraging States to ratify without reservations the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and also encouraging States parties to withdraw reservations under these treaties;

(*s*) Also encouraging States to declare that they recognize, in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within their jurisdiction;

(*t*) Racism, racial discrimination and other forms of intolerance, including discrimination and intolerance against indigenous peoples, within criminal justice systems;

13. *Recommends* that the World Conference define a global and system-wide strategy to combat racism and racial discrimination which could lead to concrete results for the populations affected, and that it adopt effective follow-up procedures and mechanisms;

14. *Decides* to discuss the follow-up to the World Conference at its next session.

25th meeting
15 April 2001
[Adopted without a vote. See chap. VII.]

2001/12. International Decade of the World's Indigenous People

The Sub-Commission on the Promotion and Protection of Human Rights,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 48/163 of 21 December 1993, in which the Assembly proclaimed the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is the strengthening of international cooperation for the solution of problems faced by indigenous peoples in such areas as human rights, the environment, development, education and health, as well as with regard to their lands and their resources,

Recalling further General Assembly resolution 50/157 of 21 December 1995, in which the Assembly adopted the comprehensive programme of activities for the International Decade of the World's Indigenous People,

Recalling the requests by the General Assembly, in its resolutions 50/157 and 52/108 of 12 December 1997, to assess the objectives of the Decade by quantifiable outcomes that will improve the lives of indigenous peoples and to evaluate the objectives halfway through the Decade and at its end,

Bearing in mind the most recent report of the Secretary-General on the programme of activities of the International Decade (A/55/268),

Recalling its resolution 2000/15 of 17 August 2000,

Noting with particular concern the delay in the work on the elaboration of the draft United Nations declaration on the rights of indigenous people, one of the main objectives of the Decade,

Having considered the report of the Working Group on Indigenous Populations on its nineteenth session (E/CN.4/Sub.2/2001/17),

1. *Welcomes* the observance of the International Day of the World's Indigenous People on 26 July 2001;

2. *Recommends* that the celebration of the International Day of the World's Indigenous People be held on the fourth day of the twentieth session of the Working Group on Indigenous Populations in order to ensure as large a participation of indigenous peoples as possible;

3. *Welcomes* the decision by the General Assembly in its resolution 52/108 of 12 December 1997 to appoint the United Nations High Commissioner for Human Rights as Coordinator for the International Decade of the World's Indigenous People;

4. *Recommends* that the Coordinator for the Decade hold, preferably before the end of 2001, a special fund-raising meeting with the permanent missions in Geneva of interested States and the members of the Advisory Group for the Voluntary Fund for the Decade to encourage financial contributions to the Voluntary Fund for the Decade and the United Nations Voluntary Fund for Indigenous Populations, as well as the appointment of qualified staff, including indigenous persons, from within the regular budget of the United Nations, to assist with the work of the Office of the High Commissioner for Human Rights relating to the indigenous programme, and submit to the Sub-Commission at its fifty-fourth session and its Working Group on Indigenous Populations at its twentieth session a report on the results of initiatives taken to those effects;

5. *Urges* Governments and intergovernmental and non-governmental organizations and individuals to contribute to the Voluntary Fund for the Decade established by the Secretary-General and invites indigenous organizations to do likewise;

6. *Recommends* that attention continue to be given to improving the extent of the participation of indigenous peoples in planning and implementing the activities of the Decade in order to implement fully the Decade's theme, "Indigenous people: partnership in action";

7. *Strongly recommends* that, in accordance with General Assembly resolution 50/157 of 21 December 1995, the draft United Nations declaration on the rights of indigenous people be adopted as early as possible and not later than the end of the International Decade in 2003 and, to this end, appeals to all participants in the inter-sessional working group of the Commission on Human Rights and to all others concerned to put into practice new, more dynamic ways and means of consultation and consensus-building, in order to accelerate the preparation of the draft declaration;

8. *Welcomes* Commission on Human Rights resolution 2000/87 of 27 April 2000 and Economic and Social Council resolution 2000/22 of 28 July 2000, in which the Commission and the Council respectively decided to establish the Permanent Forum on Indigenous Issues;

9. *Notes* the view expressed by many indigenous participants during its fifty-third session and during the twentieth session of the Working Group on Indigenous Populations that the establishment of the Permanent Forum should not necessarily be construed as grounds for the abolition of the Working Group, which should continue to carry out the ample, flexible mandate conferred upon it by the Economic and Social Council in resolution 1982/34 of 7 May 1982;

10. *Congratulates* the Advisory Group for the Voluntary Fund for the Decade for the work it has accomplished, for its initiatives and for the transparency of its working methods and decisions;

11. *Recommends* that the High Commissioner, in consultation with interested Governments, organize meetings and other activities in all regions of the world within the framework of the International Decade in order, inter alia, to raise public awareness about indigenous issues;

12. *Recommends* that the High Commissioner for Human Rights organize a seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples, to discuss possible follow-up to the study completed by the Special Rapporteur, Mr. Miguel Alfonso Martinez, and to explore ways and means of implementing the recommendations included in his final report (E/CN.4/Sub.2/1999/20);

13. *Also recommends* that the High Commissioner organize, not later than the end of 2002, in collaboration with the United Nations Conference on Trade and Development, the International Labour Organization, the World Trade Organization and other relevant organizations, a workshop on indigenous peoples, private sector natural resource, energy and mining companies and human rights in order to contribute to the ongoing work of the sessional working group on the working methods and activities of transnational corporations;

14. *Further recommends* that the High Commissioner take the necessary action in order to promote the establishment, within the Office of Legal Affairs of the Secretariat, of a database on national legislation on matters of relevance to indigenous peoples, as well as a compilation of treaties and agreements between States and indigenous peoples, and to establish, in coordination with the Department of Public Information, a global public awareness programme with respect to indigenous issues;

15. *Invites* the High Commissioner to authorize the convening of a conference on indigenous peoples' issues with the theme "Rio+10";

16. *Invites* the Commission on Human Rights to recommend that the Economic and Social Council authorize the convening of an international conference on indigenous issues during the last year of the International Decade of the World's Indigenous People (2003) with a view to evaluating the Decade and considering future national and international policies and programmes which may contribute to effective action by States in order to promote better relations between the indigenous and non-indigenous segments of their population;

17. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 3.]

25th meeting
15 August 2001
[Adopted without a vote. See chap. VII.]

2001/13. Traditional practices affecting the health of women and the girl child

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling its resolution 2000/10 of 17 August 2000 and welcoming the extension of the mandate of the Special Rapporteur,

Affirming once again that female genital mutilation is a cultural practice which profoundly affects the physical and mental health of the girl child and of the women who are its victims,

Stressing that other practices equally harmful to the health of women and the girl child exist and are being perpetuated,

Recalling that the Universal Declaration of Human Rights, in its article 5, and the International Covenant on Civil and Political Rights, in its article 7, proclaim that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Emphasizing the centrality of the Plan of Action adopted by the Sub-Commission (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1) to the elimination of harmful traditional practices and the relevance of the conclusions reached at the regional seminars held in Burkina Faso (E/CN.4/Sub.2/1991/48) and Sri Lanka (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1),

Deeply regretting that the Special Rapporteur is still encountering serious difficulties in performing her important task because of the absence of replies from numerous Governments concerned by harmful traditional practices on measures taken to implement the Plan of Action for the Elimination of Harmful Traditional Practices,

Recalling with satisfaction General Assembly resolution 54/133 of 17 December 1999 on traditional or customary practices affecting the health of women and girls,

Strongly encouraging the specialized agencies and organs of the United Nations, in particular the United Nations Children's Fund, the United Nations Population Fund and the World Health Organization, to continue to devote particular attention to the question of harmful traditional practices affecting the health of women and girls, particularly in the context of their regional and national programmes,

Expressing its satisfaction to national and international non-governmental organizations for the numerous activities they are undertaking in the field to develop the awareness of the populations concerned with a view to the eradication of harmful traditional practices such as female genital mutilation, *Considering* that efforts to combat harmful traditional practices should be continued through, inter alia, further development of the awareness of Governments and all national protagonists concerned by these practices,

1. *Takes note with satisfaction* of the fifth report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child (E/CN.4/Sub.2/2001/27) submitted by the Special Rapporteur, Ms. Halima Embarek Warzazi, and shares her concern about the perpetuation of certain harmful traditional practices, in particular dowry-related violence and crimes of honour;

2. *Appeals* to all States concerned to intensify efforts to develop awareness of, and mobilize national public opinion concerning, the harmful effects of all forms of harmful traditional practices, in particular through education, information and training, in order to achieve the total eradication of these practices;

3. *Requests* all non-governmental organizations dealing with women's issues to continue to devote part of their activities to the study of the various harmful traditional practices and ways and means of eradicating them, and to inform the Special Rapporteur of any situation which merits the attention of the international community;

4. *Welcomes* the progress made in combating harmful traditional practices, including female genital mutilation, through the impetus of non-governmental organizations, in particular the Inter-African Committee, which should be given maximum encouragement;

5. *Appeals* to the international community to provide material, technical and financial support to the non-governmental organizations and groups working with dedication to achieve the total elimination of these cultural practices which are harmful to girl children and women;

6. *Calls upon* all Governments to give their full attention to the implementation of the Plan of Action for the Elimination of Harmful Traditional Practices and requests the Secretary-General to invite them to submit information regularly to the Sub-Commission on the situation regarding harmful traditional practices in their country;

7. *Considers* that one of the most effective means of developing the awareness of the Governments concerned regarding the problems of harmful traditional practices and appropriate solutions would be to organize regional seminars on the question;

8. *Reiterates* its proposal that three seminars be held, in Africa, Asia and Europe, in order to review progress achieved since 1985, and ways and means of overcoming the obstacles encountered in the implementation of the Plan of Action for the Elimination of Harmful Traditional Practices, and appeals for funding for these activities;

9. *Requests* the High Commissioner for Human Rights to assist the mandate by raising funds for the organization of the seminars;

10. *Requests* the Special Rapporteur to submit an updated report to the Sub-Commission at its fifty-fourth session;

11. *Decides* to continue consideration of the question at its fifty-fourth session under the same agenda item.

25th meeting
15 August 2001
[Adopted without a vote. See chap. VIII.]

2001/14. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on the Promotion and Protection of Human Rights,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twenty-sixth session (E/CN.4/Sub.2/2001/30) and in particular the recommendations contained in chapter VII,

Deeply concerned at the information it contains relating to the traffic in persons, the exploitation of the prostitution of others, the exploitation of domestic and migrant workers, slave and child labour, the sexual exploitation of children, the abusive use of the Internet for the purpose of sexual exploitation, the sale of children, child prostitution and child pornography and the role of corruption in the perpetuation of slavery and related practices,

Noting that poverty, ignorance and discrimination in all its forms are the main causes of contemporary forms of slavery,

Noting also that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

1. *Expresses its appreciation* to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued attention to the problems submitted to it;

2. *Welcomes* the priority attention devoted by the Working Group to the issue of traffic in persons at its twenty-sixth session;

I. TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

3. *Urges* States to ensure that their policies and laws do not legitimize prostitution as victims' choice of work;

4. *Calls upon* Governments to provide protection and assistance to victims that are based on humanitarian considerations and are not contingent on their cooperation with the prosecution of their exploiters, as articulated in articles 6, 7 and 8 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

5. *Expresses its conviction* that the adoption of a resolution by the General Assembly on the elaboration of an additional protocol to the three conventions on slavery and slavery-like practices would strengthen the effectiveness of these conventions through the establishment of an efficient monitoring mechanism;

6. *Recommends* the creation of special observatories at the national and regional levels to gather information from non-governmental organizations and individuals with relevant expertise in order to further the goals of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others;

7. *Urges* Governments which have not yet done so to ratify the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the International Labour Organization Convention (No. 182) concerning the Prohibition of and Immediate Action for the Elimination of the Worst Forms of Child Labour and the Convention on the Elimination of All Forms of Discrimination against Women;

8. *Invites* States, United Nations bodies, specialized agencies and intergovernmental, regional and non-governmental organizations to provide information to the Working Group at its twenty-seventh session on aspects of trafficking and the exploitation of the prostitution of others, as well as the measures taken or necessary to implement the 1996 Programme of Action;

9. *Calls upon* United Nations human rights bodies to focus on situations of human rights violations related to trafficking in persons and victims of prostitution, in accordance with the 1949 Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;

10. *Invites* the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Human Rights Committee to elaborate general recommendations in order to clarify reporting procedures with regard to victims of trafficking, in particular for purposes of prostitution and exploitation of the prostitution of others, as provided in the 1949 Convention;

11. *Recommends* that the issue of trafficking in persons, prostitution and related practices of sexual exploitation be considered during the preparatory process of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and at the World Conference itself, which will be held in South Africa from 31 August to 7 September 2001, and makes strong recommendations to Governments to prevent and sanction such violations, as well as to provide services, support and restitution to victims;

II. PREVENTION OF THE TRANSBORDER TRAFFIC IN CHILDREN IN ALL ITS FORMS

12. *Invites* States to ratify existing international human rights and labour standards, if they have not already done so, and to ratify in a timely manner the International Labour Organization Convention (No. 182) concerning the Prohibition of and Immediate Action for the Elimination of the Worst Forms of Child Labour;

13. *Calls upon* States to set action against trafficking within a human rights framework, so that the victims of child trafficking are fully protected and not treated as illegal immigrants;

14. *Encourages* cooperation among concerned States, as well as with international agencies, and international and national non-governmental organizations, in research and data collection on child trafficking and in the design and implementation of programmes of action to eliminate the practice of child trafficking;

15. *Also encourages* strengthened cooperation between national and international law enforcement agencies, in particular the International Criminal Police Organization (INTERPOL), responsible for detecting and intercepting child traffickers, as well as tracing the families of the trafficked children;

III. THE ROLE OF CORRUPTION IN THE PERPETUATION OF SLAVERY AND SLAVERY-LIKE PRACTICES

16. *Urges once again* all States to take adequate steps to monitor and enforce laws, particularly as they relate to slavery, slavery-like practices and corruption, including trafficking in and exploitation of the prostitution of women and children;

17. *Encourages* States to take measures aimed at improving the training and professionalism of law enforcement personnel, as well as their respect for human rights;

IV. MISUSE OF THE INTERNET FOR THE PURPOSE OF SEXUAL EXPLOITATION

18. *Recommends* that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws, to prevent the misuse of the Internet for trafficking for the purpose of prostitution and the sexual exploitation of women and children;

19. *Urges* Governments to act more forcefully to eliminate traffic in persons, exploitation of the prostitution of others and sexual exploitation through the Internet, and to consider setting up a mechanism aimed at better control of the Internet when abused for those purposes;

20. *Recommends* that Governments and non-governmental organizations develop and implement educational programmes on the harm caused by trafficking for the purpose of prostitution and sexual exploitation to the mental and physical well-being of women and children;

21. *Requests* Governments to investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape;

22. *Calls* for new levels of cooperation among Governments and national and regional law enforcement bodies in order to combat the escalating trafficking for the purpose of prostitution of women and children, the globalization of this industry and the misuse of the Internet to promote and carry out acts of trafficking for the purpose of sexual exploitation, sex tourism, sexual violence and sexual exploitation;

V. MIGRANT WORKERS AND DOMESTIC MIGRANT WORKERS

23. *Urges* States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

24. *Also urges* States to take the necessary measures to prohibit and punish the confiscation of passports belonging to migrant workers, in particular, migrant domestic workers;

25. *Requests* the Commission on Human Rights to authorize the High Commissioner for Human Rights to organize, in cooperation with the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and other intergovernmental organizations concerned, a workshop in which all aspects of the smuggling and trafficking in persons and the protection of their human rights will be considered; this workshop should take place not later than July 2002;

26. *Recommends* that non-governmental organizations pay attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

27. *Decides* to continue consideration of this issue at its next session;

VI. ERADICATION OF BONDED LABOUR AND ELIMINATION OF CHILD LABOUR

28. *Urges* States which have not yet done so to introduce comprehensive legislation to prohibit bonded labour in all its forms, as a matter of urgency, including provisions for the punishment of any future employers of bonded labourers, measures for compensation of those subjected to bonded labour and debt bondage and rehabilitation assistance, including at a minimum, and where applicable, the grant of enough land to sustain a single family throughout the year and legal provisions to protect their ownership and occupation of such land;

29. *Strongly recommends* that States which have adopted laws against debt bondage or bonded labour and in which cases of debt bondage continue to be reported ensure the effectiveness of the rule of law and fully apply legal and judicial procedures ensuring the prosecution and punishment of those involved in reducing men, women or children to bondage;

30. *Considers* it necessary that the implementation of national programmes of action to prevent the recurrence of bonded labour, including measures to end discrimination, ensure progressive land reform and enforce the national minimum wage;

31. *Urges* concerned Governments to carry out independent and comprehensive surveys at the local level to identify the number and location of people held in debt bondage; these surveys should provide a statistical breakdown of the number of men, women and children in bonded labour, and also of their membership of any minority group;

32. *Invites* the International Labour Organization, together with other competent United Nations organs and specialized agencies, to consider the possibility of holding a seminar or a workshop to determine the best practices for the eradication of debt bondage and, in particular, to assess what forms of international support are most appropriate for community mobilization and to enable bonded labourers to make use of their right to freedom of association, and what techniques have proved most effective in facilitating the rehabilitation and reintegration of victims of debt bondage;

33. *Recommends* that all competent United Nations organs, specialized agencies, development banks and intergovernmental agencies involved in development initiatives take action to contribute to the elimination of debt bondage, in particular by the provision of alternative sources of credit to bonded labourers;

34. *Recommends once again* that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

35. *Urges* all States, while attempting ultimately to eliminate child labour, to adopt measures and regulations to protect child labourers, to ensure that they are not exploited and to prohibit their labour in hazardous occupations, in accordance with the provisions of International Labour Organization Convention No. 182, unless national legislation provides more protective standards;

36. *Also urges* States, while attempting ultimately to eliminate child labour and child domestic labour by, inter alia, enacting and implementing laws on compulsory and free primary education, to adopt and enforce measures and regulations to eliminate all discrimination against girls in education, skills development and training, to protect child workers, in particular child domestic workers, and to ensure that they are not exploited;

37. *Invites* the international community to cooperate in developing viable alternatives to child labour, in particular for young girls;

38. *Requests* the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour, and report thereon to the Sub-Commission and the Commission on Human Rights at their next sessions;

VII. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

39. *Requests* the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

40. *Decides*, in the context of the commemoration of the tenth anniversary of the adoption of the Programme of Action, to request a non-governmental organization to prepare and submit to the Working Group at its twenty-seventh session, in 2002, an assessment of the implementation of the Programme of Action;

41. *Requests* the Special Rapporteur, within the framework of his mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography, and invites the Special Rapporteur to participate in the twenty-seventh session of the Working Group, in view of the importance of his contribution to its deliberations;

42. *Invites* States to consider the establishment of a voluntary fund aimed at assisting the Committee on the Rights of the Child in strengthening implementation of the Optional Protocol, in harmony with provisions of the Convention on the Rights of the Child;

43. *Requests* the Working Group to examine, as a matter of priority at its twenty-seventh session, in 2002, the issue of the exploitation of children, particularly in the context of prostitution and domestic servitude;

VIII. MISCELLANEOUS

44. *Welcomes* the decision of the Working Group to consider as a matter of priority at its twenty-eighth session, in 2003, the issue of contemporary forms of slavery related to and generated by discrimination, in particular gender discrimination, focusing attention on abuses against women and girls, such as forced marriages, early marriages and sale of wives;

45. *Appeals* to all Governments to send observers to the meetings of the Working Group;

46. *Encourages* youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

47. *Recommends* that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and include in their general comments and recommendations an item concerning contemporary forms of slavery;

48. *Also recommends* that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

49. *Requests once again* the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

50. *Also requests* the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Office of the High Commissioner for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Office on issues relating to contemporary forms of slavery, in accordance with Commission on Human Rights resolutions 1996/61 of 26 April 1996 and 1999/46 of 27 April 1999;

51. *Requests* the non-governmental organizations to disseminate information about the work of the Working Group as widely as possible;

52. *Recognizes* the advantages of continuity in the membership of the Working Group, while acknowledging that the designation of any member to any working group of the Sub-Commission is the responsibility of the regional groups of the Sub-Commission;

53. *Decides* to make provision for adequate discussion of the report of the Working Group near the beginning of each session, thereby strengthening its involvement in the activities of the Working Group.

25th meeting
15 August 2001
[Adopted without a vote. See chap. VIII.]

2001/15. Situation of women and girls in the territories controlled by Afghan armed groups

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling its resolution 2000/1 of 17 August 2000,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/Sub.2/2001/28), containing substantive information and recommendations,

Recalling that the fundamental rights of women and girls in the territories controlled by Afghan armed groups must be respected in all circumstances and that deliberate policies discriminating against women and girls in that country on the grounds of sex constitute gross and flagrant violations of the international instruments relating to human rights,

Regretting that, according to the report of the Secretary-General, the situation of women and girls overall has largely remained unchanged,

1. *Condemns* all forms of discrimination and violation affecting women and girls in the territories controlled by Afghan armed groups, who are deprived of the enjoyment of civil and political rights and the rights to health, education, employment, freedom of movement and security;

2. *Notes, in particular, with concern* that the report of the Secretary-General indicates that women and girls are suffering disproportionately from the obstacles to the fulfilment and enjoyment of all their rights and that there is at present little indication that the situation might improve, at any rate in the near future;

3. *Notes* in this connection that this situation is totally at variance with the precepts of Islam, which imposes on Muslims the duty to acquire an education and to pursue knowledge;

4. *Condemns* the official policies discriminating against women;

5. *Considers it essential* that the international community continue to follow very closely the situation of women and girls in the territories controlled by Afghan armed groups and bring the necessary pressure to bear so that all the restrictions imposed on women, which constitute flagrant and systematic violations of all the internationally recognized economic, social, cultural, civil and political rights, are removed;

6. *Congratulates* the United Nations agencies and non-governmental organizations on the measures and programmes adopted with a view to lending support and assistance to women and girls in the territories controlled by Afghan armed groups and strongly encourages them to continue their efforts despite the difficulties encountered;

7. *Encourages* continued United Nations activities aimed at promoting the fundamental rights of women and girls in the territories controlled by Afghan armed groups, and supports their efforts to create a humanitarian framework within which humanitarian operations can be conducted in a calm environment in the utmost safety and to induce the Taliban to comply with the provisions governing the conduct of such operations;

8. *Considers* that it is the duty of these groups to respect the fundamental rights of the individual and particularly those of women, in conformity with international law and humanitarian law;

9. *Requests* the Commission on Human Rights to insist that the Afghan armed groups abide by international human rights standards in relation to women, which entails the repeal of all edicts and the end of all forms of discrimination on the grounds of sex;

10. *Considers* that any diplomatic recognition and any financial agreement with the Taliban regime would reinforce the discriminatory treatment which the latter is reserving for women, whereas it must be induced to end such treatment;

11. *Requests* the Secretary-General to continue to make available all the information that can be compiled on this question;

12. *Decides* to continue consideration of this question at its fifty-fourth session under the same agenda item.

25th meeting
15 August 2001
[Adopted without a vote. See chap. VIII.]

2001/16. International protection for refugees

The Sub-Commission on the Promotion and Protection of Human Rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind,

Recalling the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, and article 14 of the Universal Declaration of Human Rights, which reaffirm that everyone, without distinction of any kind, is entitled to the right to seek and to enjoy in other countries asylum from persecution, as well as the right to return to one's own country,

Reaffirming, on the fiftieth anniversary of its adoption, the importance of the Convention relating to the Status of Refugees of 1951 and the Protocol thereto of 1967, and the critical role that they continue to play in protecting the rights of refugees throughout the world,

Noting that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and recognizing that the effective coordination of measures taken to deal with this problem will depend upon the cooperation of States with the High Commissioner,

Applauding the endeavours of the United Nations High Commissioner for Refugees in upholding the principles of humanitarian law and implementing the 1951 Convention relating to the Status of Refugees as well as its 1967 Protocol,

Recalling its resolution 2000/20 of 18 August 2000 on the right to seek and enjoy asylum,

Concerned that the plight of refugees around the world remains of serious concern, and that refugees face a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion,

Concerned also at the plight of women and girl refugees, who face the added risk of gender-based persecution and violence during the process of fleeing their home country and during the process of resettlement, as well as in the situation they face when they are forced to return to their home country,

1. *Reaffirms* the importance of the fundamental principle of non-refoulement contained in the Convention relating to the Status of Refugees of 1951 and the Protocol thereto of 1967;

2. *Expresses its concern* over the fate of persons who have risked their lives fleeing from their homes to escape persecution and by other factors such as starvation or destitution, motivated in part by unfair international economic relations, and reaffirms that their human rights should be protected in accordance with international human rights instruments, in particular the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;

3. *Notes with alarm* that the situation of women and girl refugees has been grossly exacerbated, to the extent that it requires the urgent attention of the international community, and urges States and both the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights to intensify their efforts to provide women and girl refugees with adequate protection in accordance with international human rights instruments;

4. *Urges* the international community to make greater efforts to address the needs of such persons by, inter alia, allowing access to them by the Office of the United Nations High Commissioner for Refugees in order that it may determine their status;

5. *Encourages* States to avail themselves of technical assistance from the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights, both with regard to the criteria to be applied and to the status determination process;

6. *Recommends* that States disputing the refugee status of a particular affected population cooperate with the Office of the United Nations High Commissioner for Refugees and other interested parties to facilitate verification of the status of those who assert they are refugees, through an impartial and fair process, and that a solution be pursued which is consistent with international human rights standards;

7. *Decides* to consider this matter at its fifty-fourth session under the same agenda item.

26th meeting
16 August 2001
[Adopted without a vote. See chap. VIII.]

2001/17. Reservations to human rights treaties

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling the letter addressed by the Chairman of the Committee on the Elimination of Racial Discrimination to the Chairman of the forty-eighth session of the Sub-Commission (E/CN.4/Sub.2/1997/31, annex) containing a proposal that a study be undertaken on reservations to treaties, *Noting* the concerns about reservations expressed by the Committee on the Elimination of Discrimination against Women and the report of the Secretary-General on the views of the six human rights treaty bodies on the Preliminary Conclusions of the International Law Commission (E/CN.4/Sub.2/1998/25),

Welcoming the developing cooperation between the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Sub-Commission on this and other topics of mutual interest,

Recalling that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights emphasized the need to limit the number and scope of reservations to human rights treaties,

Recalling also its decision 1998/113 of 26 August 1998 in which it requested Ms. Françoise Hampson to prepare a working paper on the question of reservations to human rights treaties,

Recalling further the working paper submitted by Ms. Françoise Hampson (E/CN.4/Sub.2/1999/28 and Corr.1),

Recalling its resolutions 1999/27 of 26 August 1999 and 2000/26 of 18 August 2000 and Commission on Human Rights decision 2000/108 of 26 April 2000 and taking note of Commission decision 2001/113 of 25 April 2001,

1. *Decides* to entrust Ms. Françoise Hampson with the task of preparing an expanded working paper on reservations to human rights treaties based on her working paper, as well as the comments made and discussions that took place at the fifty-first and fifty-second sessions of the Sub-Commission, which study will not duplicate the work of the International Law Commission, which concerns the legal regime applicable to reservations and interpretative declarations in general, whereas the proposed study involves the examination of the actual reservations and interpretative declarations made to human rights treaties in the light of the legal regime applicable to reservations and interpretative declarations, as set out in the working paper, and of submitting the extended working paper to the Sub-Commission at its fifty-fourth session;

2. *Decides* to continue its consideration of the question of reservations to human rights treaties at its fifty-fourth session under the same agenda item.

26th meeting
16 August 2001
[Adopted without a vote. See chap. VIII.]

2001/18. Terrorism and human rights

The Sub-Commission on the Promotion and Protection of Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, the International Covenants on Human Rights and other international and regional instruments, relating to human rights and international humanitarian law,

Recalling the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights, in which the Conference reaffirmed that terrorism is indeed aimed at the destruction of human rights, fundamental freedoms and democracy,

Recalling also the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations and the United Nations Millennium Declaration adopted by the General Assembly at its fiftieth and fifty-fifth sessions, respectively,

Recalling further General Assembly resolution 54/164 of 17 December 1999, as well as Commission on Human Rights resolution 2001/37 of 23 April 2001 and its own resolution 1999/26 of 26 August 1999,

Regretting that the negative impact of terrorism, in all its dimensions, on human rights continues to remain alarming, despite national and international efforts to combat it,

Convinced that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights,

Bearing in mind that the most essential and basic human right is the right to life,

Bearing in mind also that terrorism creates an environment that destroys the freedom from fear of the people,

Convinced that terrorism in many cases poses a severe challenge to democracy, civil society and the rule of law,

Deploring the large number of innocent persons killed, massacred and maimed by terrorism in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Emphasizing the need to intensify the fight against terrorism at the national level, to enhance effective international cooperation in combating terrorism in conformity with international law and to strengthen the role of the United Nations system in this respect, *Reiterating* that all States have an obligation to promote and protect all human rights and fundamental freedoms, and that every individual should strive to secure their universal and effective recognition and observance,

Reaffirming that all measures to counter terrorism must be in strict conformity with international law, including international human rights and humanitarian law standards,

Reiterating the great importance of the study on terrorism and human rights,

Having considered the analytical and well-documented progress report (E/CN.4/Sub.2/2001/31) prepared by the Special Rapporteur, Ms. Kalliopi Koufa, and having heard her comprehensive introductory statement,

1. *Expresses its deep appreciation and thanks* to the Special Rapporteur, Ms. Kalliopi Koufa, for her excellent progress report (E/CN.4/Sub.2/2001/31) and her introductory statement;

2. *Requests* the Special Rapporteur to continue her work, taking into consideration the views and comments made during the discussion of the topic at the Sub-Commission, as well as the replies submitted by Governments, competent organs and bodies of the United Nations system and intergovernmental and non-governmental organizations;

3. *Requests* the Special Rapporteur, keeping in mind the importance and the complexity of the study, to continue her direct contacts with the competent services and bodies of the United Nations, in particular those in New York and Vienna, and also requests the Special Rapporteur to visit those Offices, as soon as possible, in order to expand her research, to update data and information for the study and to expedite her work;

4. *Requests* the Secretary-General to transmit the progress report of the Special Rapporteur to Governments, specialized agencies and concerned intergovernmental and non-governmental organizations with the request that they submit to the Special Rapporteur, as soon as possible, comments, information and data relating to the study on terrorism and human rights;

5. *Requests* the Secretary-General to continue to collect information, including a compilation of studies and publications, on the implications of terrorism for, as well as the effects of the fight against terrorism on, the enjoyment of human rights from all relevant sources, including Governments, specialized agencies, intergovernmental and non-governmental organizations and academic institutions, and to make them available to the Special Rapporteur;

6. *Requests* the Special Rapporteur to submit a second progress report to the Sub-Commission at its fifty-fourth session;

7. *Requests* the Secretary-General to give the Special Rapporteur all the necessary assistance in order to hold consultations with the above-mentioned competent services and bodies of the United Nations system, in particular those located in New York and Vienna, to complement and expand her essential research and to collect all the up-to-date information and data needed for the preparation of her second progress report;

8. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, draft decision 4.]

26th meeting
16 August 2001
[Adopted unanimously. See chap. VIII.]

2001/19. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling General Assembly resolution 46/122 of 17 December 1991, by which the Assembly established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery,

Recalling also that the Trust Fund was established to assist representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery,

Recalling further the close relationship between the mandate and the activities of the Working Group and those of the Board of Trustees of the Trust Fund, and the necessary cooperation between them,

1. *Expresses its gratitude* to Governments, organizations, trade unions and individuals, including young students, who have contributed to the Fund and encourages them to continue doing so;

2. *Expresses its appreciation* for the participation at the twenty-sixth session of the Working Group on Contemporary Forms of Slavery of eight representatives of non-governmental organizations financed by the Fund, including victims of contemporary forms of slavery, and for their valuable contribution to the work of the Working Group;

3. *Invites* the Board of Trustees of the Voluntary Fund to promote the participation at the annual sessions of the Working Group of individuals and organizations from as large a number of countries as possible, in accordance with the priorities established in the agenda of the Working Group;

4. *Notes with satisfaction* that eighteen project grants were paid by the Fund to local non-governmental organizations which work on issues of contemporary forms of slavery;

5. *Expresses its support* for the work of the members of the Board of Trustees of the Fund, in particular their fund-raising activities;

6. *Recalls* the appeal made by the General Assembly in its resolution 46/122 of 17 December 1991 to all Governments to respond favourably to requests for contributions to the Fund and urges them and non-governmental organizations, other private or public entities and individuals to contribute to the Fund and encourages them to do so in order to enable the Fund to fulfil its mandate effectively in the year 2002;

7. *Decides* to continue to examine the situation and the activities of the Trust Fund at its fifty-fourth session.

26th meeting
16 August 2001
[Adopted without a vote. See chap. VIII.]

2001/20. Systematic rape, sexual slavery and slavery-like practices

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling its resolution 1993/24 of 25 August 1993 and its decision 1994/109 of 19 August 1994, establishing the mandate and framework for the study on systematic rape, sexual slavery and slavery-like practices during armed conflicts, including internal armed conflict, as well as Commission on Human Rights decision 1994/103 of 4 March 1994,

Recalling also its resolutions 1999/16 of 26 August 1999 and 2000/13 of 17 August 2000,

Recalling further the report of the United Nations High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices during armed conflicts (E/CN.4/Sub.2/2000/20), *Recalling also* that the Rome Statute of the International Criminal Court specifically recognizes that sexual violence and sexual slavery committed in the context of either an internal or an international armed conflict may constitute crimes against humanity, war crimes and genocide falling within the jurisdiction of the Court,

Taking into consideration resolutions of the Commission on Human Rights on the elimination of violence against women, including resolution 2001/49 of 24 April 2001, in which the Commission emphasized the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women and to provide access to just and effective remedies and specialized, including medical, assistance to victims,

Also taking into consideration the report of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences (E/CN.4/2001/73) submitted to the Commission, at its fifty-seventh session,

Mindful of its resolution 2001/1, of 6 August 2001, in which it emphasizes the historic responsibility for slavery and colonialism and requests all countries concerned to take initiatives which would assist, notably through debate on the basis of accurate information, in the raising of public awareness of the disastrous consequences of periods of slavery and colonialism,

1. *Welcomes* the work of the United Nations High Commissioner for Human Rights on systematic rape, sexual slavery and slavery-like practices, and takes note with appreciation of her report (E/CN.4/Sub.2/2001/29);

2. *Deeply concerned* that systematic rape, sexual slavery and slavery-like practices are still being used to humiliate civilians and military personnel, to destroy society and diminish prospects for a peaceful resolution of conflicts and that the resulting severe physical and psychological trauma endanger not only personal recovery but post-conflict reconstruction of the whole society, as pointed out in the above-mentioned report;

3. *Recalls* that the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda have acknowledged in their judgements that rape and sexual enslavement constitute crimes against humanity and the crime of genocide;

4. *Once again calls upon* States to provide effective criminal penalties and compensation for unremedied violations in order to end the cycle of impunity with regard to sexual violence committed during armed conflicts;

5. *Encourages* States to promote human rights education on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts, ensuring the accuracy of accounts of historical events, in the educational curricula;

6. *Calls upon* the High Commissioner for Human Rights to monitor the implementation of the present resolution, as well as of resolutions 2000/13 of 17 August 2000 and 1999/16 of 26 August 1999, and to submit a report to the Sub-Commission at its fifty-fourth session on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts;

7. *Decides* to consider the issue under the same agenda item at its fifty-fourth session.

26th meeting
16 August 2001
[Adopted without a vote. See chap. VIII.]

2001/21. Intellectual property and human rights

The Sub-Commission on the Promotion and Protection of Human Rights,

Guided by the Vienna Declaration and Programme of Action, in which the World Conference on Human Rights confirmed that the promotion and protection of human rights, in conformity with the Charter of the United Nations, is the first responsibility of Governments,

Reaffirming that, as declared in article 28 of the Universal Declaration of Human Rights, everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration can be fully realized,

Reaffirming also that, as stated in the provisions of the International Covenant on Economic, Social and Cultural Rights, the rights to self-determination, food, housing, work, health and education constitute legally binding obligations upon State parties,

Stressing that, in accordance with article 27, paragraph 2, of the Universal Declaration of Human Rights and article 15, paragraph 1 (c), of the International Covenant on Economic, Social and Cultural Rights, the right to protection of the moral and material interests resulting from any scientific, literary or artistic production of which one is the author is a human right, subject to limitations in the public interest,

Recalling its resolution 2000/7 of 17 August 2000,

Aware of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and of its current review by the World Trade Organization Council for TRIPS and, in particular, of the recent special discussions in the Council on the provisions of the TRIPS Agreement related to public health issues and of the forthcoming Ministerial Conference of the World Trade Organization, to be held in Doha in November 2001, *Aware also* of the need to clarify the scope and meaning of several provisions of the TRIPS Agreement, in particular of articles 7 and 8 on the objectives and principles underlying the Agreement, in order to ensure that States' obligations under the Agreement do not contradict their binding human rights obligations,

Noting with appreciation the day of general discussion held on 27 November 2000 by the Committee on Economic, Social and Cultural Rights on article 15, paragraph 1 (c), of the Covenant in order to clarify the relationship between intellectual property and human rights, and the current efforts of the Committee to draft and adopt a general comment on that subject,

Welcoming Commission on Human Rights resolution 2001/33 of 20 April 2001 on access to medication in the context of pandemics such as HIV/AIDS,

Noting the decision of the Commission on Human Rights in its resolution 2001/30 of 20 April 2001 to encourage the High Commissioner for Human Rights to strengthen the research and analytical capacities of her Office in the field of economic, social and cultural rights and to share her expertise, inter alia through the holding of expert meetings,

Reiterating that actual or potential conflict exists between the implementation of the TRIPS Agreement and the realization of economic, social and cultural rights, in particular the rights to self-determination, food, housing, work, health and education, and in relation to transfers of technology to developing countries,

Stressing the need for adequate protection of the traditional knowledge and cultural values of indigenous peoples and, in particular, for adequate protection against "bio-piracy" and the reduction of indigenous communities' control over their own genetic and natural resources and cultural values,

Emphasizing its concern for the protection of the heritage of indigenous peoples and its appreciation of the work of its Special Rapporteur, Ms. Erica-Irene Daes, on this issue, in particular the revised draft principles and guidelines for the protection of the heritage of indigenous peoples (E/CN.4/Sub.2/2000/26, annex I),

Emphasizing also the provisions of the Convention on Biological Diversity relating to, inter alia, the safeguarding of biological diversity and indigenous knowledge relating to biological diversity, and the promotion of the transfer of environmentally sustainable technologies,

1. *Welcomes* the progress report submitted by Mr. J. Oloka-Onyango and Ms. Deepika Udagama on globalization and its impact on the full enjoyment of human rights (E/CN.4/Sub.2/2001/10) and, in particular, their remarks concerning globalization and the question of intellectual property rights;

2. *Also welcomes* the report of the High Commissioner on the impact of the Agreement on Trade Related Aspects of Intellectual Property Rights on human rights (E/CN.4/Sub.2/2001/13);

3. *Reminds* all Governments of the primacy of human rights obligations under international law over economic policies and agreements, and requests them, in national, regional and international economic policy forums, to take international human rights obligations and principles fully into account in international economic policy formulation;

4. *Calls upon* Governments to integrate into their national and local legislation and policies provisions that, in accordance with international human rights obligations and principles, protect the social function of intellectual property;

5. *Urges* all Governments to ensure that the implementation of the TRIPS Agreement does not negatively impact on the enjoyment of human rights as provided for in international human rights instruments by which they are bound;

6. *Also urges* all Governments to take fully into account existing State obligations under international human rights instruments in the formulation of proposals for the ongoing review of the TRIPS Agreement, in particular in the context of the Ministerial Conference of the World Trade Organization to be held in Doha in November 2001;

7. *Calls upon* States parties to the International Covenant on Economic, Social and Cultural Rights to fulfil the duty under article 2, paragraph 1, article 11, paragraph 2, and article 15, paragraph 4, to cooperate internationally in order to realize the legal obligations under the Covenant, including in the context of international intellectual property regimes;

8. *Suggests* that the Committee on Economic, Social and Cultural Rights and other bodies monitoring the implementation of treaty obligations in the area of economic, social and cultural rights explore, in the course of reviewing States parties' reports, the implications of the TRIPS Agreement for the realization of economic, social and cultural rights;

9. *Requests* the United Nations High Commissioner for Human Rights to seek observer status with the World Trade Organization for the ongoing review of the TRIPS Agreement;

10. *Also requests* the High Commissioner for Human Rights to consider the need for an examination and, if necessary, to conduct such an investigation, into whether the patent, as a legal instrument, is compatible with the promotion and protection of human rights and corresponding State obligations;

11. *Further requests* the High Commissioner to undertake an analysis of the impact of the TRIPS Agreement on the rights of indigenous peoples;

12. *Encourages* the Special Rapporteurs on the right to food, education and adequate housing as a component of the right to an adequate standard of living to include in their reports a review of the implication of the TRIPS Agreement for the realization of the rights falling within their mandates;

13. *Calls upon* the High Commissioner to convene an expert seminar to consider the human rights dimension of the TRIPS Agreement on the basis, inter alia, of the report of the High Commissioner on the impact of the TRIPS Agreement on human rights (E/CN.4/Sub.2/2001/13) and to report thereon to the Commission on Human Rights at its fifty-ninth session;

14. *Decides* to continue consideration of this question at its fifty-fourth session under the same agenda item.

26th meeting
16 August 2001
[Adopted without a vote. See chap. VI.]

2001/22. International cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling the principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity enumerated in General Assembly resolution 3074 (XXVIII) of 3 December 1973,

Recalling also its resolution 2000/24 of 18 August 2000, entitled "Role of universal or extraterritorial competence in preventive action against impunity",

Convinced that maximum international cooperation among States is needed in order to ensure a thorough investigation of war crimes and crimes against humanity, as well as to bring to trial their perpetrators,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant human rights instruments, as well as the Vienna Declaration and Programme of Action, especially Part II, paragraph 91 thereof, and the Statute of the International Criminal Court,

1. *Affirms* that within the framework of international cooperation in the search for, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity, the highest priority should be given, independently of the circumstances in which these violations are committed, to legal proceedings against all individuals responsible for such crimes, including former heads of State or Government whose exile serves as a pretext for their impunity;

2. *Urges* all States to cooperate in order to search for, arrest, extradite, bring to trial and punish persons found guilty of war crimes and crimes against humanity;

3. *Reaffirms* the principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity recorded in General Assembly resolution 3074 (XXVIII) of 3 December 1973, in particular:

> Every State has the right to try its own nationals for war crimes and crimes against humanity;
>
> War crimes and crimes against humanity, wherever they are committed, shall be subject to investigation and the persons against whom there is prima facie evidence that they have committed such crimes shall be subject to tracing, arrest, trial and, if found guilty, to punishment;
>
> States shall cooperate with each other on a bilateral and multilateral basis, with a view to halting and preventing war crimes and crimes against humanity;
>
> States shall assist each other in searching for, arresting and bringing to trial persons against whom there is prima facie evidence that they have committed such crimes and, if they are found guilty, in punishing them;
>
> Persons against whom there is prima facie evidence that they have committed war crimes and crimes against humanity shall be subject to trial before an independent impartial tribunal, in conformity with the requirements of due process, and, if found guilty, to punishment, as a general rule in the countries in which they committed those crimes. In that connection, States shall cooperate on questions of extraditing such persons. Persons charged with war crimes and crimes against humanity shall not be allowed to claim that the actions fall within the "political offence" exception to extradition, unless the requested State tries the suspect itself;
>
> States shall not take any legislative or other measures which may be prejudicial to the international obligations they have assumed in regard to the search for, arrest, extradition and punishment of persons found guilty of war crimes and crimes against humanity;
>
> In cooperating in the search for, arrest and extradition of persons against whom there is prima facie evidence that they have committed war crimes or crimes against humanity and, if found guilty, their punishment, States shall act in conformity with the provisions of the Charter of the United Nations and of the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;

4. *Affirms* that States have an obligation to cooperate in the arrest, extradition, trial and punishment of persons found guilty of war crimes and crimes against humanity, including former heads of State or Government, keeping in mind the purposes and principles of the Charter of the United Nations and generally recognized norms of international law;

5. *Urges* all Governments to implement the relevant resolutions of the General Assembly and other United Nations bodies and to take measures in accordance with international law to put an end to and prevent war crimes and crimes against humanity and to ensure the punishment of all persons found guilty of such crimes, or their extradition to those countries where they have committed such crimes, even when there is no treaty to facilitate that task.

27th meeting
16 August 2001
[Adopted without a vote. See chap. VIII.]

2001/23. Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling the attention that it has been affording to pertinent issues concerning economic, social and cultural rights, as reflected in its recent resolutions and decisions, inter alia, resolution 2000/6 on the Social Forum, resolution 2000/8 on promotion of the realization of the right to drinking water and sanitation, and resolution 2000/9 on an optional protocol to the International Covenant on Economic, Social and Cultural Rights, and its recent reports on globalization and its impact on the full enjoyment of human rights (E/CN.4/Sub.2/2000/13 and E/CN.4/Sub.2/2001/10),

Recognizing the important role of the Committee on Economic, Social and Cultural Rights in monitoring compliance by States parties to the International Covenant on Economic, Social and Cultural Rights with their obligations ensuing therefrom, and in providing authoritative interpretations of specific provisions of the Covenant through the elaboration of general comments,

Noting with appreciation the work of the Committee on Economic, Social and Cultural Rights to develop further general comments on general provisions contained in Part I of the International Covenant on Economic, Social and Cultural Rights that inform all its substantive provisions,

Noting the drafting of a general comment on article 3 of the International Covenant on Economic, Social and Cultural Rights, laying down that States parties to the Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant, *Acknowledging* the need to develop further understanding of the scope, content and implications of article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights containing the general principle of non-discrimination, which states that the States parties to the Covenant undertake to guarantee that the rights enunciated in the Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Taking account of the ongoing preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Conference itself and the follow-up process thereafter,

Stressing the importance of the long-standing and continuing cooperation between the Sub-Commission and the Committee on Economic, Social and Cultural Rights in promoting and protecting economic, social and cultural rights worldwide,

Stressing also the mutual benefits that would result from similar cooperation on the subject of non-discrimination, drawing upon the work and expertise of the Sub-Commission on the subject and the experience of the Committee on Economic, Social and Cultural Rights with States parties to the International Covenant on Economic, Social and Cultural Rights through the periodic reporting procedure,

Welcoming the request of the Committee on Economic, Social and Cultural Rights concerning the preparation of a study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights,

Recalling its decision 1997/112 of 27 August 1997 on the criteria for new studies,

Decides to entrust Mr. Fried van Hoof with the preparation, without financial implications, of a working paper on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, taking into account other relevant studies of the Sub-Commission, to be submitted under the agenda item entitled "Economic, social and cultural rights", in order to enable it to take a decision at its fifty-fourth session on the feasibility of a study on that subject.

27th meeting
16 August 2001
[Adopted without a vote. See chap. VI.]

2001/24. The Social Forum

The Sub-Commission on the Promotion and Protection of Human Rights,

Recalling the Universal Declaration of Human Rights and the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights, *Recalling also* the reports and studies on the realization of economic, social and cultural rights submitted by several special rapporteurs to the Sub-Commission and the Commission on Human Rights, in particular those submitted by Mr. Danilo Türk, Mr. Asbjørn Eide, Mr. Mustapha Mehedi, Mr. Leandro Despouy, Mr. El Hadji Guissé, Mr. Joseph Oloka-Onyango and Ms. Deepika Udagama, and Mr. David Weissbrodt and Mr. José Bengoa,

Taking into account Commission on Human Rights resolution 1999/53 of 27 April 1999 and decision 2000/107 of 26 April 2000, and Sub-Commission resolutions 1999/10 of 25 August 1999 and 2000/6 of 17 August 2000 on the establishment of a forum for economic, social and cultural rights, to be called the Social Forum,

Taking into account Commission on Human Rights decision 2001/103 of 25 April 2001 authorizing the Sub-Commission to hold the Social Forum during its fifty-third session,

Welcoming the preparatory panel meeting on the Social Forum held during the fifty-third session of the Sub-Commission, in which all the participants unanimously recognized the need for a new process/mechanism within the United Nations system with broad participation, reflecting to the current structure of international society,

Considering the new challenges of globalization, of the changes in the international order and of the emergence of new actors in the international, regional and national economic and financial areas,

Concerned at the need for a new social architecture to complement the financial architecture,

Considering the need to listen to the most vulnerable and their advocates, and to ensure a meaningful and effective participation of those who are not heard,

Bearing in mind that poverty reduction remains an ethical and moral imperative of humankind, based on respect for human dignity,

1. *Requests* the Commission on Human Rights to authorize the holding in Geneva of a pre-sessional forum on economic, social and cultural rights before the fifty-fourth session of the Sub-Commission, to be known as the Social Forum, for two days, with the participation of ten members of the Sub-Commission, taking into account regional representation;

2. *Decides* that the Social Forum will meet every year with the following mandate:

(*a*) To exchange information on the enjoyment of economic, social and cultural rights and their relationship with the processes of globalization;

(*b*) To follow up on situations of poverty and destitution throughout the world, bearing in mind that they amount to complete and permanent denial of human rights;

(*c*) To propose standards and initiatives of a juridical nature, guidelines and other recommendations for consideration by the Commission on Human Rights, the working groups on the right to development, the Committee on Economic, Social and Cultural Rights, the specialized agencies and other organs of the United Nations system;

(*d*) To follow up the agreements reached at the major world conferences and the Millennium Summit, and to make contributions to forthcoming major international events and discussion of issues related to the mandate of the Social Forum;

3. *Recommends* that the Social Forum address the following themes, inter alia:

(*a*) The interaction between civil and political and economic, social and cultural rights;

(*b*) The relationship between poverty, extreme poverty and human rights in a globalized world;

(*c*) The effect of international trade, finance and economic policies on income distribution, and the corresponding consequences for equality and non-discrimination at the national and international levels;

(*d*) Analysis of international decisions affecting basic resources for the population, and in particular those affecting enjoyment of the right to food, the right to education, the right to the highest attainable standard of physical and mental health, the right to adequate housing and the right to an adequate standard of living;

(*e*) Analysis of the impact of international trade, finance and economic policies on vulnerable groups, especially minorities, indigenous peoples, migrants, refugees and internally displaced persons, women, children, older persons, people living with HIV/AIDS, people with disabilities and other social sectors affected by such measures;

(*f*) The impact of public and private, multilateral and bilateral international development cooperation on the realization of economic, social and cultural rights;

(*g*) Follow-up of agreements reached at world conferences and international summits, particularly the Copenhagen World Summit for Social Development, and in other international bodies, concerning the link between economic, commercial and financial issues and the full realization of human rights, including economic, social and cultural rights;

(*h*) Social and economic indicators and their role in the realization of economic, social and cultural rights;

4. *Decides* that the Social Forum before the fifty-fourth session of the Sub-Commission, in 2002, will address the following theme: "The relationship between poverty reduction and the realization of the right to food";

5. *Requests* Mr. José Bengoa, member of the Sub-Commission, to prepare a preliminary working paper outlining the methodology and work of the Social Forum;

6. *Decides* to extend an invitation to participate in the Social Forum to non-governmental organizations in consultative status with the Economic and Social Council and other non-governmental organizations outside Geneva and particularly newly emerging actors in the South, such as smaller groups, grass-roots organizations, voluntary, youth associations, community organizations, trade unions and associations of workers, representatives of the private sector, United Nations agencies, the relevant functional commissions of the Economic and Social Council, the regional economic commissions, international financial institutions and development agencies;

7. *Invites* United Nations bodies and specialized agencies, the relevant functional commissions of the Economic and Social Council, the regional economic commissions, the international financial institutions, the Committee on Economic, Social and Cultural Rights, special rapporteurs and independent experts, non-governmental organizations, scholars, trade unions and associations of workers to participate in and to submit studies to the Social Forum;

8. *Requests* the Office of the High Commissioner for Human Rights to seek effective means of ensuring consultation, including electronic consultation, with the most vulnerable on the theme selected for discussion at the Social Forum;

9. *Invites* the Social Forum to submit to the Sub-Commission at its fifty-fourth session a separate report, containing a comprehensive and detailed summary of the discussion;

10. *Invites* the Social Forum to submit recommendations, including draft resolutions, to the Sub-Commission at its fifty-fourth session;

11. *Requests* the Commission on Human Rights and the Economic and Social Council to endorse the holding of the Social Forum and to authorize the provision of all the necessary secretariat facilities for the preparation and servicing of the event;

12. *Invites* the Commission on Human Rights to consider the establishment of a voluntary fund to facilitate the participation of grass-roots groups and similar disadvantaged organizations in the Social Forum.

27th meeting
16 August 2001
[Adopted without a vote. See chap. III.]

B. Decisions

2001/101. Establishment of a sessional working group on the working methods and activities of transnational corporations under agenda item 4

At its 2nd (closed) meeting, on 31 July 2001, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4, composed of the following members: Mr. Alfonso Martínez, Mr. Guissé, Mr. Kartashkin, Mr. Park and Mr. Weissbrodt.

[See chap. III.]

2001/102. Establishment of a sessional working group on the administration of justice under agenda item 3

At its 2nd (closed) meeting, on 31 July 2001, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to establish a sessional working group on the administration of justice under agenda item 3, composed of the following members: Ms. Hampson, Ms. Motoc, Mr. Pinheiro, Mr. Yokota and Ms. Zerrougui.

[See chap. III.]

2001/103. Issue of the administration of justice through military tribunals

At its 17th meeting, on 10 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, taking into account the recommendation made by the sessional working group on the administration of justice (E/CN.4/Sub.2/2001/7, para. 39), decided, without a vote, to request Mr. Louis Joinet to update, without financial implications, his interim report on the evolution of the administration of justice through military tribunals (E/CN.4/Sub.2/2001/WG.1/CRP.3), taking into account the comments made by the participants at the fifty-third session, and to submit the updated version of his report to the Sub-Commission at its fifty-fourth session.

[See chap. V.]

2001/104. Discrimination in the criminal justice system

At its 17th meeting, on 10 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, concerned at the extent of discrimination in the criminal justice system and welcoming the working paper (E/CN.4/Sub.2/2001/WG.1/CRP.1) prepared by

Ms. Leila Zerrougui for the sessional working group on the administration of justice, decided, without a vote, to request Ms. Zerrougui to pursue her research, without financial implications, taking into consideration the comments made by members of the Sub-Commission, and to submit her final working paper to the Sub-Commission at its fifty-fourth session.

[See chap. V.]

2001/105. Scope of the activities and the accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (i.e. all operations of a peacekeeping or peace enforcement nature under a United Nations mandate)

At its 17th meeting, on 10 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2000/24 of 18 August 2000 and Commission on Human Rights resolution 2000/68 of 26 April 2000, taking note of Commission resolution 2001/70 of 25 April 2001, extremely concerned at the allegations of serious violations of human rights on the part of personnel serving in peace support operations and taking into account the background information provided in document E/CN.4/Sub.2/2001/WP.1, decided, without a vote, to entrust Ms. Françoise Hampson with the task of preparing, without financial implications, a working paper on the scope of the activities and the accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations, for submission to the Sub-Commission at its fifty-fourth session.

[See chap. V.]

2001/106. Appointment of a commentator on the guidelines to be proposed in the final report on globalization and its impact on the full enjoyment of human rights

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, taking note of the progress report submitted by Mr. J. Oloka-Onyango and Ms. Deepika Udagama on globalization and its impact on the full enjoyment of human rights (E/CN.4/Sub.2/2001/10), decided, without a vote, under guideline No. 5 of the Guidelines for the application by the Sub-Commission of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto (decision 1999/114, annex), to appoint Mr. Fried van Hoof as Commentator on the minimum guidelines which will comprise part of the final report on globalization and its impact on the full enjoyment of human rights to be submitted to the Sub-Commission at its fifty-fourth session.

[See chap. VI.]

2001/107. The concept and practice of affirmative action

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decisions 2000/104 of 11 August 2000 and 1999/106 of 25 August 1999 as well as its resolution 1998/5 of 20 August 1998, Commission on Human Rights resolution 1999/81 of 28 April 1999 and Economic and Social Council decision 1999/253 of 27 July 1999, expressed its appreciation to the Special Rapporteur, Mr. Marc Bossuyt, for his progress report on the concept and practice of affirmative action (E/CN.4/Sub.2/2001/15), decided, without a vote, to request the Secretary-General to invite Governments, international organizations, the human rights treaty bodies, in particular the Committee on the Elimination of Racial Discrimination, and non-governmental organizations to transmit to him their respective comments on the preliminary report (E/CN.4/Sub.2/2000/11 and Corr.1) and the above-mentioned progress report, and also decided to request the Secretary-General to send out immediately a reminder to Governments, international organizations and non-governmental organizations that have received the questionnaire annexed to the progress report to submit their replies before 1 February 2002, including information on relevant national documentation on the subject of affirmative action, in order to enable the Special Rapporteur to take them fully into account in preparing his final report, to be submitted to the Sub-Commission at its fifty-fourth session.

[See chap. VII.]

2001/108. The rights of non-citizens

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decision 2000/103 of 1 August 2000 and welcoming the preliminary report of the Special Rapporteur, Mr. David Weissbrodt (E/CN.4/Sub.2/2001/20 and Add.1), decided, without a vote, to request the Secretary-General to transmit a questionnaire of the Special Rapporteur to Governments, intergovernmental organizations, the human rights treaty bodies, in particular the Committee on the Elimination of Racial Discrimination, and non-governmental organizations to solicit any information they may wish to submit in connection with the study, in order that the Special Rapporteur may take them fully into account in preparing his progress report for the fifty-fourth session of the Sub-Commission. The Sub-Commission, taking note of Commission on Human Rights resolution 2001/60 of 24 April 2001, also decided to recommend the following draft decision to the Commission for adoption:

[For the text, see chap. I, draft decision 6.]

[See chap. VII.]

2001/109. Final working paper on indigenous peoples and their relationship to land

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, having considered the final working paper submitted by the Special Rapporteur, Ms. Erica-Irene A. Daes, on indigenous peoples and their relationship to land (E/CN.4/Sub.2/2001/21), having heard the significant and constructive statement by the Special Rapporteur and expressing deepest appreciation and thanks to the Special Rapporteur for her excellent, valuable final working paper, decided:

(*a*) To submit the final working paper to the Commission on Human Rights at its fifty-eighth session for its consideration;

(*b*) To request the Commission on Human Rights, taking into account the importance, complexity and great usefulness of this working paper, to invite the Special Rapporteur to present her final working paper to the Commission during its discussion on the agenda item entitled "Indigenous issues";

(*c*) To request that the working paper be translated into all the official languages of the United Nations, published and widely disseminated;

(*d*) To request the Commission on Human Rights to consider the establishment of a pre-sessional working group, to which the Special Rapporteur should be invited to participate, in 2002 to discuss in particular the fundamental guiding principles and the recommendations regarding indigenous peoples and their relationship to land proposed by the Special Rapporteur in paragraphs 144 to 164 of her final working paper;

(*e*) To request the Secretary-General to give the necessary assistance to the Special Rapporteur to enable her to be present at the meetings of the Commission on Human Rights during the consideration of the above-mentioned final working paper.

[See chap. VII.]

2001/110. Discrimination based on work and descent

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, welcoming and expressing its gratitude for the working paper submitted by Mr. Rajendra Kalidas Wimala Goonesekere on the topic of discrimination based on work and descent (E/CN.4/Sub.2/2001/16), decided, without a vote, to entrust Mr. Goonesekere with the preparation, without financial implications, of an expanded working paper on the topic of discrimination based on work and descent in other regions of the world, taking into account the comments made at the fifty-third session of the Sub-Commission, to be considered by the Sub-Commission at its fifty-fourth session.

[See chap. VII.]

2001/111. A preparatory workshop on implementation of the recommendations relating to indigenous peoples contained in Agenda 21 of the United Nations Conference on Environment and Development

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, having considered the report of the Working Group on Indigenous Populations on its nineteenth session (E/CN.4/Sub.2/2001/17), decided, without a vote, to recommend that the Office of the High Commissioner for Human Rights organize a preparatory workshop on implementation of the recommendations relating to indigenous peoples contained in Agenda 21 of the United Nations Conference on Environment and Development.

[See chap. VII.]

2001/112. Presentation of the report of the Working Group on Indigenous Populations on its nineteenth session to the Permanent Forum on Indigenous Issues

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, having considered the report of the Working Group on Indigenous Populations (E/CN.4/Sub.2/2001/17), decided, without a vote, to request the Commission on Human Rights to recommend that the Economic and Social Council invite the Chairperson-Rapporteur of the nineteenth session of the Working Group on Indigenous Populations, Ms. Erica-Irene A. Daes, in recognition of the high esteem in which she is held by the world's indigenous community, to attend the first meeting of the Permanent Forum on Indigenous Issues in May 2002, and to present to it the report of the nineteenth session of the Working Group on Indigenous Populations.

[See chap. VII.]

2001/113. Human rights and bioethics

At its 25th meeting, on 15 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, taking into account resolution 2001/71 of 25 April 2001 of the Commission on Human Rights, decided, without a vote, to entrust Ms. Antoanella Iulia Motoc with the preparation, without financial implications, of a working paper on the Universal Declaration on the Human Genome and Human Rights as its contribution to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration, and requested Ms. Motoc to submit her working paper to the Sub-Commission at its fifty-fourth session so that it might be transmitted to the Commission at its fifty-ninth session, as requested.

[See chap. VIII.]

2001/114. Promotion and consolidation of democracy

At its 26th meeting, on 16 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its decision 2000/116 of 18 August 2000, expressed its appreciation to Mr. Manuel Rodriguez-Cuadros for his working paper on measures provided in the various international human rights instruments for the promotion and consolidation of democracy (E/CN.4/Sub.2/2001/32) and decided, without a vote, to request Mr. Rodriguez-Cuadros to prepare, without financial implications, an expanded working paper for submission to the Sub-Commission at its fifty-fourth session.

[See chap. VIII.]

2001/115. Humanitarian situation of the Iraqi population

At its 26th meeting, on 16 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2000/1 of 11 August 2000 and its decision 2000/112 of 18 August 2000; wishing to reaffirm that measures such as embargoes should be limited in time, should in no way affect innocent civilian populations and, for obvious humanitarian reasons, should be lifted even if the legitimate objectives of the measures have not yet been attained; reaffirming the need to respect the Charter of the United Nations, the Universal Declaration of Human Rights and the relevant provisions of the Geneva Conventions of 12 August 1949 and the two Additional Protocols thereto which prohibit the starving of civilian populations and the destruction of what is indispensable to their survival; noting with grave concern the intense suffering endured by the Iraqi people; noting that, in his statement to the Security Council on 24 March 2000, the Secretary-General of the United Nations said that the humanitarian situation in Iraq confronted the United Nations with a serious moral dilemma; expressing its concern at the deterioration in the situation of the civilian population, particularly the children whose suffering had led in many cases to untimely death; noting with concern the delays reported by the Secretary-General in the implementation of the "oil-for-food" programme and the statement by the head of the programme that the stocks of vaccines against a number of diseases were at very low levels, thus exposing the civilian population to serious illness; recalling all the information supplied by several United Nations agencies demonstrating the cumulative effect of the destruction associated with the war and the restrictions imposed on Iraq's economy and trade, which had drastically impaired the country's capacity to ensure the well-being of the population; appealing to the World Health Organization to devote special attention to the serious health problems affecting the civilian population; noting once again with concern that the "oil-for-food" programme was meeting only part of the vital needs of the population, that the standards of living, nutrition, education and health of the population were continuing to deteriorate and that all economic activities were seriously affected, particularly in the areas of drinking water supply, electricity and agriculture; again considering any embargo that condemns an innocent people to hunger, disease, ignorance and even death to be a flagrant violation of the economic, social and cultural rights and the right to life of the people concerned and of international law, decided, without a vote, to appeal again to the international community, and to the Security Council in particular, for the embargo provisions affecting the humanitarian situation of the population of Iraq to be lifted. The Sub-Commission also decided to urge the international community and all Governments, including that of Iraq, to alleviate the suffering of the Iraqi population, in particular by facilitating the delivery of food, medical supplies and the wherewithal to meet their basic needs.

[See chap. VIII.]

2001/116. Measures to improve the functioning of the Sub-Commission on the Promotion and Protection of Human Rights

At its 26th meeting, on 16 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, recalling Commission on Human Rights resolution 2001/60, in which the Commission requested proposals concerning further measures to improve the functioning of the Sub-Commission, decided unanimously to submit the following draft decision to the Commission on Human Rights for adoption at its fifty-eighth session:

[For the text, see chap. I, draft decision 8.]

[See chap. III.]

2001/117. Request to the Commission on Human Rights to restore the fourth week of the annual session of the Sub-Commission

At its 26th meeting, on 16 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights decided unanimously to request the Commission on Human Rights to reconsider its decision that the annual session of the Sub-Commission should be of three weeks' duration (Commission decision 2000/109, annex, para. 56) and to approve the restoration of the fourth week of the annual session of the Sub-Commission, bearing in mind its important, complex and heavy agenda and its role and the quality of its work as a think-tank of the Commission.

[See chap. III.]

2001/118. Composition of working groups of the Sub-Commission for 2002

At its 26th meeting, on 16 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to approve the following composition of its working groups for 2002, with the understanding that, in view of the forthcoming elections for half of the members of the Sub-Commission, to be held during the fifty-eighth session of the Commission on Human Rights, the Chairperson of the Sub-Commission, in consultation with the regional groups, would take the necessary action to replace any members of the working groups not re-elected to the Sub-Commission:

Regional group	Minorities	Slavery	Indigenous Populations	Communications
Africa	Mr. Sik Yuen	Ms. Warzazi	Mr. Guissé	Mr. Yimer
	Ms. Zerrougui (alternate)	Mr. Oloka-Onyango (alternate)	Ms. Mbonu (alternate)	Ms. Warzazi (alternate)
Asia	Mr. Sorabjee	Mr. Goonesekere	Mr. Yokota	Mr. Fan Guoxiang
	Ms. Udagama (alternate)	Ms. Chung (alternate)	Ms. Terao (alternate)	
Eastern Europe	Mr. Kartashkin	Mr. Ogurtsov	Ms. Motoc	Mr. Ramishvili
	Ms. Motoc (alternate)	Ms. Sandru-Popescu (alternate)	Mr. Ogurtsov (alternate)	Mr. Kartashkin (alternate)
Latin America	Mr. Bengoa	Mr. Pinheiro	Mr. Alfonso Martinez	Mr. Rodriguez-Cuadros
	Mr. Gomez-Robledo Verduzco (alternate)	Mr. Alfonso Martinez (alternate)	Mr. Bengoa (alternate)	Mr. Pinheiro (alternate)
Western Europe and Others	Mr. Eide	Mr. van Hoof	Ms. Hampson	Mr. Weissbrodt
	Ms. Koufa (alternate)	Ms. Frey/ Ms. Koufa (alternates)	Mr. Weissbrodt/ Mr. van Hoof (alternates)	Ms. Hampson/ Mr. van Hoof (alternates)

[See chaps. III, VII and VIII.]

2001/119. Human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering

At its 27th meeting, on 16 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolutions 1997/36 and 1997/37 of 28 August 1997, decided, by 21 votes to 2, to authorize Mr. Y.K.J. Sik Yuen to prepare, without financial implications, in the context of human rights and humanitarian norms the working paper, originally assigned to former Sub-Commission member Ms. Clemencia Forero Ucros in resolution 1997/36, assessing the utility, scope and structure of a study on the real and potential dangers to the effective enjoyment of human rights posed by the testing, production, storage, transfer, trafficking or use of weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering, including the use of weaponry containing depleted uranium, and to submit the working paper to the Sub-Commission at its fifty-fourth session.

[See chap. VIII.]

2001/120. The question of the trade, carrying and use of small arms and light weapons in the context of human rights and humanitarian norms

At its 27th meeting, on 16 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, noting issues raised at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in July 2001, and deeply concerned at the negative effects upon human rights of the availability and misuse of small arms and light weapons, decided, without a vote, to entrust Ms. Barbara Frey with the task of preparing, without financial implications, a working paper on the question of (a) the trade and carrying of small arms and light weapons and (b) the use of such weapons in the context of human rights and humanitarian norms, for submission to the Sub-Commission at its fifty-fourth session.

[See chap. VIII.]

2001/121. Adjournment of the debate on draft resolution E/CN.4/Sub.2/2001/L.37

At its 27th meeting, on 16 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to adjourn the debate on draft resolution E/CN.4/Sub.2/2001/L.37, entitled "State cooperation with United Nations human rights mechanisms".

[See chap. VIII.]

2001/122. The return of refugees' or displaced persons' property

At its 27th meeting, on 16 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, taking into account the suggestion of the Committee on the Elimination of Racial Discrimination concerning the preparation of a study (see E/CN.4/Sub.2/1997/31, annex), decided, without a vote, to entrust Mr. Paulo Sérgio Pinheiro with the preparation, without financial implications, of a working paper on the return of refugees' or displaced persons' property, to be submitted to the Sub-Commission in order to enable it to take a decision at its fifty-fourth session on the feasibility of a comprehensive study on that subject.

[See chap VI.]

III. ORGANIZATION OF WORK

A. Opening and duration of the session and number of meetings

1. The Sub-Commission on the Promotion and Protection of Human Rights held its fifty-third session at the United Nations Office at Geneva from 30 July to 17 August 2001. It held 28 meetings (see E/CN.4/Sub.2/2001/SR.1-28), 4 of which were held in closed session (see E/CN.4/Sub.2/2001/SR.2, SR.3, part of SR.16 and part of SR.24).

2. The session was opened by Ms. Antoanella-Iulia Motoc, Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-second session, who made a statement.

3. The United Nations High Commissioner for Human Rights, Ms. Mary Robinson, addressed the Sub-Commission at its 1st meeting, on 30 July 2001.

B. Attendance

4. The session was attended by members of the Sub-Commission, by observers for States Members of the United Nations, by observers for non-member States and by observers for intergovernmental organizations, United Nations bodies, specialized agencies, other organizations and non-governmental organizations. The attendance list is given in annex III to the present report.

C. Resolutions and documentation

5. The Sub-Commission adopted 24 resolutions and took 22 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B, respectively. Draft decisions for action or consideration by the Commission on Human Rights are set out in chapter I. For a list of the resolutions and decisions adopted by the Sub-Commission, see annex VIII to the present report.

6. Information concerning the administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its fifty-third session is provided in annex IV.

7. A list of the resolutions and decisions referring to matters drawn to the attention of the Commission on Human Rights is contained in annex V.

8. A list of studies completed at the fifty-third session, of ongoing studies, of working papers entrusted to members and of studies recommended for approval, drawn up in accordance with Commission on Human Rights resolution 1982/23, appears in annex VI.

9. A list of documents for the fifty-third session of the Sub-Commission appears in annex VII. Written communications submitted by non-governmental organizations for circulation at the session are also mentioned in annex VII.

D. Election of officers

10. At its 1st meeting, on 30 July 2001, the Sub-Commission elected the following officers by acclamation:

Chairperson:	Mr. David Weissbrodt
Vice-Chairpersons:	Mr. Stanislav Ogurtsov Mr. Soo Gil Park Mr. Paulo Sérgio Pinheiro
Rapporteur:	Mr. Godfrey Bayour Preware

E. Adoption of the agenda

11. At the same meeting, the Sub-Commission had before it a note by the Secretary-General containing the provisional agenda for the fifty-third session (E/CN.4/Sub.2/2001/1), drawn up in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its fifty-second session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

12. At the 8th meeting, on 3 August 2001, the agenda, as revised (see annex I), was adopted without a vote.

F. Organization of work and conduct of business

13. At the 1st meeting, the Chairperson of the fifty-seventh session of the Commission on Human Rights, Mr. Leandro Despouy, addressed the Sub-Commission, in accordance with Commission resolution 2001/60.

14. The Sub-Commission considered item 1 of the agenda at its 1st, 2nd (closed) and 3rd (closed) meetings on 30 and 31 July, at its 4th, 5th, 8th and part of its 16th (closed) meetings, on 1, 3 and 10 August, at its 19th to 20th meetings, on 13 August, and at its 24th (closed), 26th and 27th meetings, on 15 and 16 August 2001.

15. In the general debate on agenda item 1, statements were made by members of the Sub-Commission. For a list of speakers, see annex II.

16. At its 2nd (closed) meeting, on 31 July 2001, and 4th meeting, on 1 August 2001, the Sub-Commission considered the organization of its work and conduct of business.

17. Upon the recommendation of its officers, the Sub-Commission decided, without a vote, the following with respect to sessional working groups:

(*a*) To establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4, composed of the following members: Mr. Alfonso Martínez, Mr. Guissé, Mr. Kartashkin, Mr. Park and Mr. Weissbrodt. For the text of the decision, see chapter II, section B, decision 2001/101;

(*b*) To establish a sessional working group on the administration of justice under agenda item 3, composed of the following members: Ms. Hampson, Ms. Motoc, Mr. Pinheiro, Mr. Yokota and Ms. Zerrougui. For the text of the decision, see chapter II, section B, decision 2001/102.

18. The Sub-Commission accepted the recommendations of its officers regarding limitation of the frequency and duration of statements. Members of the Sub-Commission would be entitled to make one or more statements of 10 minutes per item. Observers for non-governmental organizations would be limited to one statement of seven minutes per item. With regard to joint statements by non-governmental organizations, the following timing was agreed upon: one or two non-governmental organizations: seven minutes; three to five non-governmental organizations: 10 minutes; 6 to 10 non-governmental organizations: 12 minutes; more than 10 non-governmental organizations: 15 minutes. Government observers would be limited to one statement of five minutes per item. That speaking time would also apply to observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations.

19. According to the special procedure for the allocation of speaking time and the closure of the list of speakers on the agenda item dealing with violations of human rights which was established by the Sub-Commission in its decision 1994/117, the maximum speaking time under agenda item 2 would be determined, for all observers, by dividing equally the time allocated to observers by the number of speakers who had signed up before the closure of the list. The closure of the list would be set at 6 p.m. on the day before the opening of the debate on that agenda item.

20. The Sub-Commission also accepted the recommendation that special rapporteurs should limit their statements to 20 minutes, to be divided between the introduction of the report and the concluding remarks.

21. It was also accepted that Sub-Commission members taking the floor on procedural matters should be as brief as possible and not exceed two minutes.

22. It was agreed that, with regard to statements by government observers equivalent to a right of reply, a limitation to two replies, of three minutes for the first and of two minutes for the second, at the end of the general debate on any particular item(s), would be observed. Under any agenda item, government observers should not address the human rights situations in countries other than their own, except when exercising the right of reply.

23. It was also agreed that the list of speakers would be opened at the beginning of the session for all participants to register to speak on any agenda item. If the list of speakers had not been exhausted during a particular meeting, the remaining speakers would be given the floor, in the same order, as the first speakers at the next meeting. The closure of the list of speakers on any item(s) would be announced by the Chairperson in advance, normally at the beginning of the consideration of that agenda item (except for item 2).

24. It was also agreed that if there were no more speakers on an agenda item at a particular meeting, the Sub-Commission would take up the next item on its calendar, if deemed necessary.

25. It was also agreed that, in order to respect editorial and other requirements, draft resolutions and decisions should be submitted at least three working days before the date on which they were scheduled to be considered. The deadlines for the submission of draft resolutions would be set by the Chairperson in consultation with the Bureau and announced sufficiently in advance.

26. It was accepted that the secretariat would, upon receiving a draft resolution, provide each expert member with a copy of the draft resolution as submitted.

27. Also at its 2nd (closed) meeting, the Sub-Commission approved the timetable for the consideration of agenda items proposed by the Bureau.

G. Other matters

28. At the 1st meeting, on 30 July 2001, at the proposal of the outgoing Chairperson, Ms. Motoc, the Sub-Commission observed a minute of silence in memory of Mr. Ahmed Khalifa, former member of the Sub-Commission from Egypt, who had passed away.

29. Statements in this connection were made by Mr. Alfonso Martínez, Ms. Daes, Mr. Fan, Mr. Joinet and Ms. Warzazi.

30. At the same meeting, in accordance with decision 1994/103 of the Sub-Commission and at the proposal of the Chairperson, the Sub-Commission observed a minute of silence in honour of the victims of all forms of violation of human rights in all regions of the world.

Preparatory meeting for the Social Forum

31. At its 19th and 20th meetings, on 13 August 2001, the Sub-Commission held a preparatory meeting for the Social Forum.

32. The preparatory meeting was opened by Mr. David Weissbrodt, Chairperson of the Sub-Commission at its fifty-third session, who made a statement.

33. Mr. José Bengoa, member of the Sub-Commission, made an introductory statement.

34. Ms. Mary Robinson, United Nations High Commissioner for Human Rights, made a statement.

35. The debate was introduced by a panel of four key speakers:

(*a*) Mr. Rubens Ricupero, Secretary-General of the United Nations Conference on Trade and Development;

(*b*) Mr. George Abi Saab, member of the Dispute Settlement Body of the World Trade Organization;

(*c*) Ms. Hina Jilani, Special Representative of the Secretary-General on human rights defenders;

(*d*) Mr. Andrew Clapham, Professor at the Graduate Institute of International Studies, Geneva.

36. Statements were made by five guest speakers:

(*a*) Mr. Miloon Kothari, Special Rapporteur of the Commission on Human Rights on adequate housing as an element of the right to an adequate standard of living;

(*b*) Mr. Paul Hunt, Rapporteur of the Committee on Economic, Social and Cultural Rights;

(*c*) Mr. Alfredo Sfeir-Younis, World Bank;

(*d*) Mr. Lee Swepston, International Labour Office;

(*e*) Ms. Tricia Feeney, Oxfam.

37. During the preparatory meeting, statements were also made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For a detailed list of speakers, see annex II.

38. An interactive dialogue took place.

39. Concluding remarks were made by Mr. Bengoa.

Organization of work

40. At the 26th meeting, on 16 August 2001, Mr. Pinheiro introduced draft decision E/CN.4/Sub.2/2001/L.43 on behalf of the Bureau of the Sub-Commission. The draft decision, which was subsequently withdrawn, read as follows:

> **"Organization of work**
>
> "At its ... meeting, on ... August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, guided by the desire to give equal treatment to all items on its agenda in terms of the time and priority accorded to them, decides, on an experimental basis, to consider the agenda items at its fifty-fourth session in the following order: 1, 2, 6, 5, 4, 3, 7, and to renumber the agenda items accordingly."

41. Statements in connection with the draft decision were made by Mr. Alfonso Martinez, Mr. Eide, Ms. Motoc, Mr. Pinheiro and Ms. Warzazi.

Measures to improve the functioning of the Sub-Commission on the Promotion and Protection of Human Rights

42. At the same meeting, Mr. Pinheiro introduced draft decision E/CN.4/Sub.2/2001/L.47 on behalf of the Bureau of the Sub-Commission.

43. Statements in connection with the draft decision were made by Ms. Daes and Mr. Joinet.

44. The draft decision was adopted unanimously. For the text of the decision, see chapter II, section B, decision 2001/116.

Request to the Commission on Human Rights to restore the fourth week of the annual session of the Sub-Commission

45. At the same meeting, the Sub-Commission considered a draft decision proposed orally by Ms. Daes.

46. Statements in connection with the draft decision were made by Ms. Hampson and Mr. Pinheiro.

47. The draft decision was adopted unanimously. For the text of the decision see chapter II, section B, decision 2001/117.

Composition of working groups of the Sub-Commission for 2002

48. At the same meeting, the Sub-Commission considered a draft decision on the composition of the inter-sessional and pre-sessional working groups of the Sub-Commission introduced by the Chairperson on behalf of the Bureau of the Sub-Commission.

49. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/118.

Positive effect of work relating to specific situations

50. At the 27th meeting, on 16 August 2001, Ms. Hampson withdrew draft decision E/CN.4/Sub.2/2001/L.34, sponsored by Ms. Daes, Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Yokota and Ms. Zerrougui, which read as follows:

> **"Positive effect of work relating to specific situations**
>
> "At its ... meeting, on ... August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, recalling Commission on Human Rights resolutions 2000/83 on the work of the Sub-Commission and 2001/60 on the reporting of the Sub-Commission's deliberations under item 2 of its agenda, decided that an excerpt from Mr. Louis Joinet's intervention under agenda item 2 relating to the positive effects of work relating to specific situations should be issued as a document of the Sub-Commission and also decided to bring the document referred to above to the attention of the Commission on Human Rights, for its consideration."

51. A statement in this connection was made by Mr. Joinet.

The Social Forum

52. At the same meeting, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2001/L.15, sponsored by Mr. Bengoa, Mr. Eide, Ms. Motoc, Mr. Oloka-Onyango and Mr. Yokota. Ms. Daes, Mr. Gómez-Robledo Verduzco, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Mr. Ogurtsov, Mr. Park, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer and Ms. Zerrougui subsequently joined the sponsors.

53. The draft resolution was orally revised by Mr. Bengoa, Mr. Eide, Ms. Hampson, Mr. Yimer and Ms. Warzazi.

54. Statements in connection with the draft resolution were made by Mr. Bengoa, Ms. Daes, Mr. Eide, Ms. Hampson, Ms. Motoc, Mr. Pinheiro, Mr. Preware, Ms. Warzazi, Mr. Yimer and Ms. Zerrougui.

55. An extensive procedural debate took place in connection with the draft resolution and the proposed revisions thereto (see the summary record of the meeting (E/CN.4/Sub.2/2001/SR.27)).

56. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/24.

IV. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, INCLUDING COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

57. The Sub-Commission considered agenda item 2 at its 4th to 9th meetings, on 1 to 3 and 6 August 2001.

58. For the list of documents issued under agenda item 2, see annex VII to the present report.

59. In the general debate on agenda item 2, statements were made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For a detailed list of speakers, see annex II.

Recognition of responsibility and reparation for massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, of colonialism and wars of conquest

60. At the 9th meeting, on 6 August 2001, Ms. Hampson introduced a draft resolution on recognition of responsibility and reparation for massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, of colonialism and wars of conquest, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Preware, Mr. Kartashkin, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

61. Statements in connection with the draft resolution were made by Mr. Alfonso Martinez, Mr. Eide, Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Park, Mr. Pinheiro and Ms. Warzazi.

62. The draft resolution, as orally revised by Ms. Hampson, Mr. Eide and Ms. Warzazi and amended by Mr. Joinet, was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2000/1.

V. ADMINISTRATION OF JUSTICE

63. The Sub-Commission considered agenda item 3 at its 7th to 10th meetings, on 3, 6 and 7 August, and at its 17th and 23rd meetings, on 10 and 14 August 2001.

64. For the list of documents issued under agenda item 3, see annex VII to the present report.

65. At the 23rd meeting, on 14 August 2001, Mr. Yozo Yokota, Chairperson-Rapporteur of the sessional working group on the administration of justice, presented the report of the working group (E/CN.4/Sub.2/2001/7).

66. In the general debate on agenda item 3, statements were made by members of the Sub-Commission and observers for Governments and non-goveramental organizations. For a detailed list of speakers, see annex II.

Issue of the administration of justice through military tribunals

67. At the 17th meeting, on 10 August 2001, Ms. Motoc introduced draft decision E/CN.4/Sub.2/2001/L.3, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guisse, Mr. van Hoof, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Preware, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Ms. Hampson subsequently joined the sponsors.

68. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Joinet and Ms. Motoc.

69. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/103.

Discrimination in the criminal justice system

70. At the same meeting, Ms. Motoc introduced draft decision E/CN.4/Sub.2/2001/L.4, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Preware, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer and Mr. Yokota.

71. The draft decision was orally revised by Mr. Alfonso Martínez.

72. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Ms. Hampson, Mr. Joinet, Ms. Motoc and Mr. Yokota.

73. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/104.

Implementation in practice of the obligation to provide an effective domestic remedy

74. At the same meeting, Ms. Hampson withdrew draft decision E/CN.4/Sub.2/2001/L.6, sponsored by Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Kartashkin, Mr. Ogurtsov, Mr. Sorabjee, Ms. Warzazi and Mr. Yokota, which read as follows:

> **"Implementation in practice of the obligation to provide an effective domestic remedy**
>
> "At its ... meeting, on ... August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, recalling the revised final report submitted by Mr. Louis Joinet pursuant to Sub-Commission decision 1996/119 on the question of the impunity of perpetrators of human rights violations (civil and political rights) (E/CN.4/Sub.2/1997/20/Rev.1), and in particular the set of principles for the promotion and protection of human rights through action to combat impunity contained therein (annex II), decided to entrust Ms. Françoise Hampson with the task of preparing, without financial implications, a working paper on the implementation in practice of the obligation to provide an effective domestic remedy, for submission to the Sub-Commission at its fifty-fourth session."

Scope of the activities and the accountability of armed forces, United Nations civilian police and international civil servants taking part in peace support operations

75. At the same meeting, Ms. Hampson introduced draft decision E/CN.4/Sub.2/2001/L.7, sponsored by Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Kartashkin, Mr. Ogurtsov, Ms. Warzazi and Mr. Yokota. Mr. Joinet, Ms. Motoc, Mr. Sorabjee and Ms. Zerrougui subsequently joined the sponsors.

76. The draft decision and its title were orally revised by Ms. Hampson.

77. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Ms. Hampson and Mr. Joinet.

78. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/105.

VI. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

79. The Sub-Commission considered agenda item 4 at its 10th to 14th meetings, on 7 to 9 August, at its 17th and 21st meetings, on 10 and 14 August, and at its 25th to 27th meetings, on 15 and 16 August 2001.

80. For the list of documents issued under agenda item 4, see annex VII.

81. At the 11th meeting, on 7 August 2001, Mr. Joseph Oloka-Onyango and Ms. Deepika Udagama, Special Rapporteurs on the issue of globalization and its impact on the full enjoyment of all human rights, presented their joint progress report (E/CN.4/Sub.2/2001/10). At the 11th, 13th and 14th meetings, on 7 to 9 August 2001, Mr. Oloka-Onyango and Ms. Udagama made their concluding remarks.

82. At the 21st meeting, on 14 August 2001, Mr. Guissé, Chairperson-Rapporteur of the sessional working group on the working methods and activities of transnational corporations, presented the report of the working group on its third session (E/CN.4/Sub.2/2001/9).

83. In the general debate on agenda item 4, statements were made by members of the Sub-Commission and observers for Governments, intergovernmental organizations, United Nations bodies, specialized agencies, other organizations and non-governmental organizations. For a detailed list of speakers, see annex II.

Promotion of the realization of the right to drinking water and sanitation

84. At the 17th meeting, on 10 August 2001, Mr. Guissé introduced draft resolution E/CN.4/Sub.2/2001/L.5, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

85. Mr. Guissé orally revised operative paragraphs 7 and 8 of the draft resolution.

86. Statements in connection with the draft resolution were made by Mr. Joinet and Ms. Motoc.

87. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/2.

The effects of the working methods and activities of transnational corporations on the enjoyment of human rights

88. At the 25th meeting, on 15 August 2001, Mr. Guissé introduced draft resolution E/CN.4/Sub.2/2001/L.8, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin,

Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Rodriguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Fan, Mr. Gómez-Robledo Verduzco and Mr. Preware subsequently joined the sponsors.

89. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/3.

Liberalization of trade in services, and human rights

90. At the same meeting, Mr. Eide introduced draft resolution E/CN.4/Sub.2/2001/L.13, sponsored by Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Preware, Mr. Rodriguez-Cuadros, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Alfonso Martínez subsequently joined the sponsors.

91. Mr. Eide orally revised operative paragraph 4 of the draft resolution. Operative paragraph 5 was amended by Mr. Alfonso Martínez.

92. The draft resolution, as revised and amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/4.

Globalization and its impact on the full enjoyment of all human rights

93. At the same meeting, Mr. Oloka-Onyango introduced draft resolution E/CN.4/Sub.2/2001/L.16, sponsored by Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Preware, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

94. Mr. Oloka-Onyango orally revised draft resolution E/CN.4/Sub.2/2001/L.16 by inserting a new eighth preambular paragraph, as proposed by Ms. Hampson and contained in document E/CN.4/Sub.2/2001/L.45, sponsored by Ms. Hampson, which was accepted by the other sponsors. He also orally revised operative paragraph 2 of the draft resolution.

95. Statements in connection with the draft resolution were made by Mr. Guissé and Mr. Joinet.

96. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/5.

Intellectual property and human rights

97. At the same meeting, Mr. Oloka-Onyango introduced draft resolution E/CN.4/Sub.2/2001/L.17, sponsored by Mr. Bengoa, Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Koufa, Ms. Motoc,

Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Preware, Mr. Rodriguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Ms. Daes subsequently joined the sponsors. Ms. Koufa withdrew as a sponsor.

98. The Sub-Commission had also before it amendments to draft resolution E/CN.4/Sub.2/2001/L.17, proposed by Ms. Hampson and contained in document E/CN.4/Sub.2/2001/L.46.

99. Statements in connection with the draft resolution and the amendments thereto were made by Mr. Alfonso Martinez, Ms. Daes, Mr. Guissé, Ms. Hampson, Mr. Oloka-Onyango, Mr. Yokota and Ms. Zerrougui.

100. At the proposal of the Chairperson, consideration of draft resolution E/CN.4/Sub.2/2001/L.17 and the amendments thereto contained in document E/CN.4/Sub.2/2001/L.46 was postponed.

101. At the 26th meeting, on 16 August 2001, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/2001/L.17.

102. Mr. Oloka-Onyango orally revised the draft resolution, taking into account the amendments contained in document E/CN.4/Sub.2/2001/L.46.

103. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/21.

104. After the adoption of the resolution, Ms. Daes and Mr. Alfonso Martinez made statements in explanation of their positions.

Optional protocol to the International Covenant on Economic, Social and Cultural Rights

105. At the 25th meeting, on 15 August 2001, Mr. van Hoof introduced draft resolution E/CN.4/Sub.2/2001/L.21, sponsored by Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Rodriguez-Cuadros, Ms. Warzazi, Mr. Yokota and Ms. Zerrougui.

106. Mr. van Hoof orally revised operative paragraph 3.

107. Statements in connection with the draft resolution were made by Mr. Guissé and Mr. Yimer.

108. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/6.

Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights

109. At the same meeting, Ms. Motoc introduced draft resolution E/CN.4/Sub.2/2001/L.24, sponsored by Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Mr. Yokota and Ms. Zerrougui.

110. At the request of Mr. Alfonso Martínez, consideration of draft resolution E/CN.4/Sub.2/2001/L.24 was postponed.

111. At the 27th meeting, on 16 August 2001, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/2001/L.24.

112. Ms. Motoc orally revised the draft resolution.

113. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/23.

114. After the adoption of the resolution, Mr. Alfonso Martínez made a statement in explanation of his position.

The right to food, and the World Food Summit: five years later

115. At the 25th meeting, on 15 August 2001, Mr. Eide introduced draft resolution E/CN.4/Sub.2/2001/L.25, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer and Mr. Yokota. Mr. Gómez-Robledo Verduzco, Mr. Joinet and Ms. Zerrougui subsequently joined the sponsors.

116. Mr. Eide orally revised subparagraph (d) of the draft resolution.

117. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/7.

Appointment of a commentator on the guidelines to be proposed in the final report on globalization and its impact on the full enjoyment of human rights

118. At the same meeting, Mr. Oloka-Onyango introduced draft decision E/CN.4/Sub.2/2001/L.30, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Ms. Hampson, Mr. van Hoof, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Preware, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi and Mr. Yimer. Mr. Joinet subsequently joined the sponsors.

119. Mr. Oloka-Onyango orally revised the draft decision.

120. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Guissé, Ms. Motoc, Mr. Oloka-Onyango and Mr. Yimer.

121. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/106.

Implementation of existing human rights norms and standards in the context of the fight against extreme poverty

122. At the same meeting, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2001/L.35, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Koufa, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Mr. Yokota and Ms. Zerrougui. Ms. Hampson and Ms. Warzazi subsequently joined the sponsors.

123. Ms. Warzarzi orally revised the French and Spanish versions of operative paragraph 1 of the draft resolution.

124. A statement in connection with the draft resolution was made by Mr. Bengoa.

125. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/8.

The return of refugees' or displaced persons' property

126. At the 25th meeting, on 15 August 2001, Mr. Gómez-Robledo Verduzco introduced draft decision E/CN.4/Sub.2/2001/L.44, sponsored by Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Oloka-Onyango, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi and Ms. Zerrougui.

127. At the request of Mr. Gómez-Robledo Verduzco, consideration of draft decision E/CN.4/Sub.2/2001/L.44 was postponed.

128. At the 27th meeting, on 16 August 2001, the Sub-Commission resumed consideration of draft decision E/CN.4/Sub.2/2001/L.44.

129. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/122.

130. After the adoption of the decision, Mr. Alfonso Martínez made a statement in explanation of his position.

VII. PREVENTION OF DISCRIMINATION:

(a) Racism, racial discrimination and xenophobia;

(b) Prevention of discrimination and protection of indigenous peoples;

(c) Prevention of discrimination and protection of minorities

131. The Sub-Commission considered agenda item 5 at its 14th to 17th meetings, on 9 and 10 August, at its 18th and 20th meetings, on 13 August, at its 21st meeting, on 14 August, and at its 25th meeting, on 15 August 2001.

132. For the list of documents issued under agenda item 5, see annex VII.

133. At the 14th meeting, on 9 August 2001, Mr. Marc Bossuyt, Special Rapporteur on the concept and practice of affirmative action, presented his progress report (E/CN.4/Sub.2/2001/15). At the same meeting Mr. Bossuyt made his concluding remarks.

134. At the 15th meeting, on 9 August 2001, Mr. Rajendra Kalidas Wimala Goonesekere presented the working paper on the topic of discrimination based on work and descent (E/CN.4/Sub.2/2001/16) prepared pursuant to Sub-Commission resolution 2000/4. At the 16th meeting, on 10 August 2000, Mr. Goonesekere made his concluding remarks.

135. At the 17th meeting, on 10 August 2001:

(*a*) Mr. Asbjørn Eide, Chairperson-Rapporteur of the Working Group on Minorities, presented the report of the Working Group on its seventh session (E/CN.4/Sub.2/2001/22). At the same meeting, Mr. Eide made his concluding remarks;

(*b*) Mr. David Weissbrodt, Special Rapporteur on the rights of non-citizens, presented his preliminary report (E/CN.4/Sub.2/2001/20 and Add.1). At the 18th meeting, on 13 August 2001, Mr. Weissbrodt made his concluding remarks.

136. At the 18th meeting, on 13 August 2001:

(*a*) Ms. Erica-Irene A. Daes, Special Rapporteur on indigenous peoples and their relationship to land, presented her updated final working paper on this question (E/CN.4/Sub.2/2001/21).

(*b*) Ms. Erica-Irene A. Daes, Chairperson-Rapporteur of the Working Group on Indigenous Populations, presented the report of the Working Group on its nineteenth session (E/CN.4/Sub.2/2001/17).

137. At the 20th meeting, on 13 August 2001, Ms. Daes made her concluding remarks.

138. In the general debate on agenda item 5, statements were made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For a detailed list of speakers, see annex II.

The rights of minorities

139. At the 25th meeting, on 15 August 2001, Mr. Eide introduced draft resolution E/CN.4/Sub.2/2001/L.12, sponsored by Mr. Bengoa, Mr. Eide, Mr. Kartashkin, Mr. Sik Yuen and Mr. Sorabjee. Mr. Alfonso Martínez, Ms. Daes, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Preware, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui subsequently joined the sponsors.

140. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/9.

Working Group on Indigenous Populations

141. At the same meeting, Ms. Daes introduced draft resolution E/CN.4/Sub.2/2001/L.14, sponsored by Ms. Daes, Mr. Guissé, Ms. Motoc and Mr. Yokota. Mr. Alfonso Martínez, Mr. Bengoa, Mr. Eide, Mr. Gómez-Robledo Verduzco, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer and Ms. Zerrougui subsequently joined the sponsors.

142. Ms. Daes orally revised operative paragraphs 5, 14 and 19 of the draft resolution.

143. Statements in connection with the draft resolution were made by Mr. Alfonso Martinez and Mr. Joinet.

144. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/10.

The concept and practice of affirmative action

145. At the same meeting, Mr. Bengoa introduced draft decision E/CN.4/Sub.2/2001/L.19, sponsored by Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Mr. Sorabjee, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Alfonso Martínez, Mr. Guissé, Ms. Hampson and Mr. Ogurtsov subsequently joined the sponsors.

146. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/107.

The rights of non-citizens

147. At the same meeting, Mr. van Hoof introduced draft decision E/CN.4/Sub.2/2001/L.20, sponsored by Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Kartashkin, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Rodríguez-Cuadros and Mr. Yokota. Mr. Alfonso Martínez, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Joinet, Ms. Motoc, Mr. Sik Yuen, Mr. Sorabjee and Ms. Zerrougui subsequently joined the sponsors.

148. The draft decision was orally revised by Mr. van Hoof.

149. A statement in connection with the draft decision was made by Mr. Alfonso Martínez.

150. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/108.

Indigenous peoples and their relationship to land

151. At the same meeting, Ms. Motoc introduced draft decision E/CN.4/Sub.2/2001/L.27, sponsored by Mr. Bengoa, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer and Mr. Yokota. Mr. Preware subsequently joined the sponsors.

152. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Ms. Daes and Mr. Kartashkin.

153. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/109.

Discrimination based on work and descent

154. At the same meeting, Ms. Warzazi introduced draft decision E/CN.4/Sub.2/2001/L.28, sponsored by Ms. Hampson, Mr. van Hoof, Ms. Motoc, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Rodríguez-Cuadros and Ms. Warzazi. Mr. Bengoa, Mr. Eide, Mr. Joinet, Mr. Park and Mr. Yokota subsequently joined the sponsors.

155. The draft decision was orally revised by Ms. Warzazi.

156. A statement in connection with the draft decision was made by Mr. Joinet.

157. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/110.

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

158. At the same meeting, Mr. Oloka-Onyango introduced draft resolution E/CN.4/Sub.2/2001/L.31, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Preware, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer and Ms. Zerrougui. Mr. Yokota subsequently joined the sponsors.

159. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/11.

International Decade of the World's Indigenous People

160. At the same meeting, Ms. Daes introduced draft resolution E/CN.4/Sub.2/2001/L.48, sponsored by Ms. Daes, Mr. Guissé, Ms. Motoc and Mr. Yokota. Mr. Alfonso Martínez, Mr. Gómez-Robledo Verduzco, Ms. Hampson, Mr. van Hoof, Mr. Kartashkin, Mr. Ogurtsov, Mr. Park, Ms. Warzazi, Mr. Yimer and Ms. Zerrougui subsequently joined the sponsors.

161. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/12.

A preparatory workshop on implementation of the recommendations relating to indigenous peoples contained in Agenda 21 of the United Nations Conference on Environment and Development

162. At the same meeting, Ms. Daes introduced draft decision E/CN.4/Sub.2/2001/L.49, sponsored by Ms. Daes, Mr. Guissé, Ms. Motoc and Mr. Yokota. Mr. Alfonso Martínez, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin and Mr. Ogurtsov subsequently joined the sponsors.

163. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/111.

Presentation of the report of the Working Group on Indigenous Populations on its nineteenth session to the Permanent Forum on Indigenous Issues

164. At the same meeting, the Chairperson introduced draft decision E/CN.4/Sub.2/2001/L.50, sponsored by Ms. Daes, Mr. Guissé, Ms. Motoc and Mr. Yokota. Mr. Alfonso Martínez,

Mr. Bengoa, Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Kartashkin, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Preware, Mr. Sik Yuen, Ms. Warzazi and Ms. Zerrougui subsequently joined the sponsors. Ms. Daes withdrew as a sponsor.

165. Statements in connection with the draft decision were made by Mr. Guissé and Mr. Preware.

166. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/112.

VIII. OTHER HUMAN RIGHTS ISSUES:

(a) Women and human rights;

(b) Contemporary forms of slavery;

(c) Other issues

167. The Sub-Commission considered item 6 at its 20th to 27th meetings, from 13 to 16 August 2001.

168. For the list of documents issued under agenda item 6, see annex VII.

169. At the 20th meeting, on 13 August 2001, Mr. Manuel Rodríguez-Cuadros presented his working paper on the measures provided in the various international human rights instruments for the promotion and consolidation of democracy (E/CN.4/Sub.2/2001/32).

170. At the 21st meeting, on 14 August 2001:

(*a*) Ms. Kalliopi Koufa, Special Rapporteur on terrorism and human rights, presented her progress report (E/CN.4/Sub.2/2001/31). At the 22nd meeting, on 14 August 2001, Ms. Koufa made her concluding remarks;

(*b*) Ms. Halima Embarak Warzazi, Special Rapporteur on traditional practices affecting the health of women and the girl child, presented her updated report (E/CN.4/Sub.2/2001/27).

171. At the 22nd meeting, on 14 August 2001, Mr. Rajendra Kalidas Wimala Goonesekere, Chairperson-Rapporteur of the Working Group on Contemporary Forms of Slavery, presented the report of the Working Group on its twenty-sixth session (E/CN.4/Sub.2/2001/30).

172. In the general debate on agenda item 6, statements were made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For a detailed list of speakers, see annex II.

Human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering

173. At the 25th meeting, on 15 August 2001, Mr. Alfonso Martínez introduced draft decision E/CN.4/Sub.2/2001/L.2, sponsored by Mr. Alfonso Martínez, Ms. Daes, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Guissé, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Preware, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer and Ms. Zerrougui. Mr. van Hoof and Mr. Park subsequently joined the sponsors. The Sub-Commission also had before it amendments to draft decision E/CN.4/Sub.2/2001/L.2 proposed by Ms. Hampson and contained in document E/CN.4/Sub.2/2001/L.36.

174. At the proposal of the Chairperson, the consideration of the draft decision and the proposed amendments thereto was postponed.

175. At the 26th meeting, on 16 August 2001, the Sub-Commission resumed consideration of draft decision E/CN.4/Sub.2/2001/L.2 and the proposed amendments thereto contained in document E/CN.4/Sub.2/2001/L.36.

176. Ms. Hampson introduced and orally revised the proposed amendments contained in document E/CN.4/Sub.2/2001/L.36. Ms. Hampson further orally revised her amendments at the 27th meeting, also on 16 August 2001.

177. An extensive procedural debate took place in connection with draft decision E/CN.4/Sub.2/20 and amendments thereto (see the summary records of the meetings (E/CN.4/Sub.2/2001/SR.26-27)), in the course of which statements were made and revisions or amendments proposed by Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Preware, Mr. Sik Yuen, Mr. Yokota and Ms. Warzazi.

178. At the proposal of the Chairperson, a vote was taken on the revised amendments proposed by Ms. Hampson. The amendments were rejected by 14 votes to 3, with 4 abstentions. The revised amendments read as follows:

> "At its ... meeting, on ... August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolutions 1997/36 and 1997/37 of 28 August 1997, decided to authorize Mr. Y.K.Y. Sik Yuen to prepare, without financial implications, in the context of human rights and humanitarian norms, the working paper originally assigned to former Sub-Commission member Ms. Clemencia Forero Ucros, in resolution 1997/36,
>
> (a) Assessing the utility, scope and structure of a study on the real and potential dangers to the effective enjoyment of human rights posed by the testing, production, storage, transfer and trafficking or use of weapons of mass destruction or with indiscriminate effect, and
>
> (b) Studying the implications of human rights law, notably the protection of the right to life, the prohibition of cruel, inhuman and degrading treatment, the protection of the home, including the environment, for the actual and possible use of conventional weapons, including those containing depleted uranium, and to submit the working paper to the Sub-Commission for its fifty-fourth session."

179. Also at the proposal of the Chairperson, a vote was taken on draft decision E/CN.4/Sub.2/2001/L.2. The draft decision, as revised and amended, was adopted by 21 votes to 2. For the text of the decision, see chapter II, section B, decision 2001/119.

Traditional practices affecting the health of women and the girl child

180. At the 25th meeting, on 15 August 2001, Ms. Zerrougui introduced draft resolution E/CN.4/Sub.2/2001/L.9, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Preware, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Sorabjee subsequently joined the sponsors.

181. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/13.

Report of the Working Group on Contemporary Forms of Slavery

182. At the same meeting, Mr. Goonesekere introduced draft resolution E/CN.4/Sub.2/2001/L.18, sponsored by Mr. Bengoa, Mr. Eide, Mr. Fan, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Preware and Ms. Warzazi. Mr. Alfonso Martínez, Ms. Daes, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Pinheiro, Mr. Yokota and Ms. Zerrougui subsequently joined the sponsors.

183. Mr. Goonesekere orally revised the draft resolution by inserting a new operative paragraph after operative paragraph 24.

184. A statement in connection with the draft decision was made by Ms. Daes.

185. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/14.

Situation of women and girls in the territories controlled by Afghan armed groups

186. At same meeting, Ms. Warzazi introduced draft resolution E/CN.4/Sub.2/2001/L.22, sponsored by Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Oloka-Onyango, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi and Ms. Zerrougui. Ms. Daes, Mr. Eide, Mr. Goonesekere, Ms. Hampson, Mr. van Hoof, Mr. Pinheiro, Mr. Sorabjee and Mr. Yimer subsequently joined the sponsors.

187. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/15.

Human rights and bioethics

188. At same meeting, Ms. Daes introduced draft decision E/CN.4/Sub.2/2001/L.23, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park,

Mr. Pinheiro, Mr. Preware, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Ms. Motoc indicated that her name should not have been included among the sponsors.

189. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/113.

The question of the transfer and use of small arms and light weapons in the context of human rights and humanitarian norms

190. At same meeting, Mr. Eide introduced draft decision E/CN.4/Sub.2/2001/L.26, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Ms. Hampson, Mr. van Hoof, Ms. Motoc, Mr. Oloka-Onyango, Mr. Rodríguez-Cuadros, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Gómez-Robledo Verduzco, Mr. Guissé, Mr. Joinet, Mr. Sorabjee and Mr. Sik Yuen subsequently joined the sponsors.

191. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Guissé, Mr. Joinet and Mr. Kartashkin.

192. At the request of Ms. Motoc, the consideration of draft decision E/CN.4/Sub.2/2001/L.26 was postponed.

193. At the 27th meeting, on 16 August 2001, the Sub-Commission resumed consideration of draft decision E/CN.4/Sub.2/2001/L.26.

194. The draft decision was orally revised by Mr. Eide.

195. A statement in connection with the draft decision was made by Mr. Joinet.

196. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/120.

International cooperation in the detection, arrest, extradition and punishment of persons guilty of crimes against humanity

197. At the 25th meeting, on 15 August 2001, Mr. Bengoa introduced draft resolution E/CN.4/Sub.2/2001/L.29, sponsored by Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Rodríguez-Cuadros, Ms. Warzazi, Mr. Yimer and Ms. Zerrougui. Mr. Preware, Mr. Sik Yuen, Mr. Sorabjee and Mr. Yokota subsequently joined the sponsors.

198. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Guissé, Mr. Joinet, Mr. Kartashkin and Mr. Preware.

199. At the request of the Chairperson, the consideration of draft decision E/CN.4/Sub.2/2001/L.29 was postponed.

200. At the 27th meeting, on 16 August 2001, the Sub-Commission resumed consideration of draft decision E/CN.4/Sub.2/2001/L.29.

201. Mr. Bengoa orally revised the title and operative paragraphs 2, 3 and 4 of the draft resolution.

202. The draft resolution was further orally revised by Ms. Hampson, Mr. Joinet, Mr. Sorabjee, Mr. Yokota and Ms. Zerrougui.

203. Statements in connection with the draft resolution were made by Mr. Bengoa, Ms. Hampson and Mr. Sorabjee.

204. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/22.

Systematic rape, sexual slavery and slavery-like practices

205. At the 25th meeting, on 15 August 2001, Mr. Park introduced draft resolution E/CN.4/Sub.2/2001/L.32, sponsored by Mr. Bengoa, Ms. Daes, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Rodriguez-Cuadros and Mr. Sik Yuen. Mr. Eide, Ms. Warzazi and Mr. Yokota subsequently joined the sponsors.

206. The draft resolution was orally revised by Mr. Park.

207. Statements in connection with the draft resolution were made by Mr. Alfonso Martinez, Mr. Guissé, Ms. Hampson, Mr. Park, Mr. Preware and Mr. Yokota.

208. At the request of the Chairperson, the consideration of draft resolution E/CN.4/Sub.2/2001/L.32 was postponed.

209. At the 26th meeting, on 16 August 2001, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/2001/L.32.

210. The draft resolution was further orally revised by Mr. Park and Mr. Yokota.

211. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/20.

International protection for refugees and displaced persons

212. At the 26th meeting, on 16 August 2001, Mr. Park introduced draft resolution E/CN.4/Sub.2/2001/L.33, sponsored by Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Mr. Preware, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Mr. Sorabjee and Mr. Yokota.

213. Mr. Park orally revised the title, of the seventh preambular paragraph and operative paragraph 2 of the draft resolution.

214. A statement in connection with the draft resolution was made by Mr. Alfonso Martínez.

215. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/16.

State cooperation with United Nations human rights mechanisms

216. At the same meeting, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2001/L.37, sponsored by Ms. Daes, Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro and Mr. Yokota.

217. Mr. Hampson orally revised operative paragraphs 3, 4 and 5.

218. A statement in connection with the draft resolution was made by Mr. Alfonso Martinez.

219. The consideration of draft decision E/CN.4/Sub.2/2001/L.37 was postponed.

220. At the 27th meeting, on 16 August 2001, the Sub-Commission resumed consideration of draft decision E/CN.4/Sub.2/2001/L.37.

221. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer and Mr. Yokota.

222. Under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, Ms. Hampson moved the adjournment of the debate on the draft resolution. Her motion was carried without a vote. For the text of the decision, see chapter II, section B, decision 2001/121.

223. The original text of draft resolution E/CN.4/Sub.2/2001/L.37 read as follows:

"State cooperation with United Nations human rights mechanisms

"*The Sub-Commission on the Promotion and Protection of Human Rights*,

"*Observing* that one of the many roles of the United Nations is to promote, protect and ensure adherence to human rights and fundamental freedoms as defined by its organs, bodies and instruments,

"*Affirming* the obligation of States to assist the United Nations, including its various human rights mechanisms, in carrying out its functions,

"*Observing* that the role of the various United Nations human rights mechanisms is to offer assistance to States in identifying and resolving their human rights problems,

"*Noting* the need for States to cooperate more fully with the various United Nations human rights organs and bodies, including the treaty monitoring bodies, by submitting reports in a timely fashion and, in this regard, noting the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (E/CN.4/2000/106),

"*Noting also* the need for States to facilitate and assist the special rapporteurs/representatives, independent experts and working groups of the special procedures of the Commission on Human Rights and of the advisory services programme,

"*Observing* that the report of the inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/112) states that a majority of Governments extend cooperation to the mechanisms in all activities necessary to the fulfilment of their mandates and that while refusal of cooperation occurs only in a minority of cases, those refusals must be a cause of serious concern,

"*Recalling* its decision 1998/115 of 26 August 1998 on observance of human rights by States which are not parties to United Nations human rights conventions, the working paper submitted by Mr. Vladimir Kartashkin in accordance therewith (E/CN.4/Sub.2/1999/29), its resolution 1999/28 of 26 August 1999 and Mr. Kartashkin's additional working paper (E/CN.4/Sub.2/2000/2),

"*Mindful* of the need to provide incentives to States for ratification of human rights treaties and cooperation with United Nations human rights mechanisms,

"*Recalling* Commission on Human Rights resolution 1999/68 of 28 April 1999, General Assembly resolution 54/181 of 17 December 1999 and Commission resolution 2000/70 of 26 April 2000, "1. *Encourages* all States to engage in an open dialogue with the Office of the United Nations High Commissioner for Human Rights, treaty monitoring bodies and the various thematic mechanisms;

"2. *Urges* all States that have not yet done so to ratify international human rights treaties, notably the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

"3. *Also urges* all States to assist the various international human rights mechanisms by submitting periodic reports on time;

"4. *Expresses* the hope that the States concerned will allow thematic mechanisms to visit when required;

"5. *Decides* to continue its consideration of State cooperation with United Nations human rights mechanisms under the same agenda item at its fifty-fourth session;

"6. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of resolution … of … August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, and recalling the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (E/CN.4/2000/106) and the observation by its inter-sessional working group on enhancing the effectiveness of the mechanisms of the Commission contained in paragraph 25 of its report (E/CN.4/2000/112), decides to consider, under the item of its agenda that addresses country situations, any State that meets the following criteria:

(a) The State has not ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights or is more than two years late in submitting its initial or periodic report to the respective monitoring body; and

(b) A request has been made to the Government for a visit by one or more of the following: the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture, the Special Representative of the Secretary-General on human rights defenders, the Special Rapporteur on the independence of judges and lawyers, the Representative of the Secretary-General on internally displaced persons and, within two years of the request, the visit has not taken place."

Reservations to human rights treaties

224. At the 26th meeting, on 16 August 2001, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2001/L.38, sponsored by Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Ms. Motoc, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Yokota and Ms. Zerrougui. Ms. Warzazi subsequently joined the sponsors. Mr. Guissé and Ms. Zerrougui withdrew as sponsors.

225. Ms. Warzazi orally revised the second last preambular paragraph.

226. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Mr. Joinet, Ms. Hampson, Mr. Kartashkin, Ms. Motoc, Mr. Preware and Ms. Warzazi.

227. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2001/17.

228. After the adoption of the resolution, Mr. Alfonso Martínez made a statement in explanation of his position.

The right to return of internally displaced persons and refugees

229. At the same meeting, Ms. Hampson introduced draft resolution E/CN.4/Sub.2/2001/L.39, sponsored by Ms. Daes, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Park, Mr. Pinheiro, Mr. Preware and Mr. Yokota. Mr. Guissé and Mr. Preware subsequently withdrew as sponsors.

230. Ms. Hampson orally revised draft resolution E/CN.4/Sub.2/2001/L.39 by combining it with draft decision E/CN.4/Sub.2/2001/L.44 submitted under item 4.

231. At the request of the Chairperson, the consideration of draft resolution E/CN.4/Sub.2/2001/L.39 was postponed.

232. At the 27th meeting, on 16 August 2001, the Sub-Commission resumed consideration of draft resolution E/CN.4/Sub.2/2001/L.39.

233. Statements in connection with the draft resolution were made by Mr. Alfonso Martinez, Ms. Daes, Mr. Eide, Ms. Hampson, Mr. Pinheiro, Mr. Sik Yuen, Mr. Sorabjee and Mr. Yimer.

234. A statement in explanation of vote before the vote was made by Mr. Fan.

235. At the request of the Chairperson, a vote was taken on the draft resolution, as revised, which was rejected by 11 votes to 9, with 3 abstentions. The original text of draft resolution E/CN.4/Sub.2/2001/L.39 read as follows:

> **"The right to return of internally displaced persons and refugees**
>
> "*The Sub-Commission on the Promotion and Protection of Human Rights*,
>
> "*Recalling* Sub-Commission resolutions 1994/24 of 26 August 1994 and 1998/26 of 26 August 1998, and Commission resolutions 1999/47 of 27 April 1999, 2000/53 of 25 April 2000 and 2001/54 of 24 April 2001,
>
> "*Conscious* that serious human rights violations and breaches of international humanitarian law are among the reasons why people flee their homes or places of habitual residence and become refugees or internally displaced persons,
>
> "*Recognizing* that the right of refugees and internally displaced persons to return freely to their original homes or places of habitual residence in safety and dignity, and their right to adequate housing and property restitution or, should this not be possible, appropriate compensation or another form of just reparation, form indispensable elements of national reintegration, reconstruction and reconciliation, and that the recognition of such rights, as well as judicial or other mechanisms to ensure the implementation of such rights, should be included in peace agreements ending armed conflicts,
>
> "*Recognizing also* the right of all returnees to the free exercise of their right to freedom of movement and to choose their residence, including the right to re-establish residence in their original homes or places of habitual residence and to the issuance of relevant documentation, including identity cards where applicable, their right to privacy and respect for the home, their right to reside peacefully in the security of their own home and their right to enjoy access to all necessary social and economic services, in an environment free of any form of discrimination,
>
> "*Noting* that the right to freedom of movement and the right to adequate housing and property restitution include the right of protection for returning refugees and internally displaced persons against being compelled to return to their original homes or places of habitual residence and that the right to return to their original homes or places of habitual residence must be exercised in a voluntary and dignified manner,
>
> "*Observing* that, in the present resolution, "those displaced" and "displaced persons" refer to both refugees and internally displaced persons, unless otherwise indicated,
>
> "1. *Confirms* that all those displaced have the right to return in safety and dignity and, where conditions are not yet in place, displaced persons cannot be obliged to return;

"2. *Also confirms* that all those displaced have the right to adequate housing and property restitution or, should this not be possible, appropriate compensation or another form of just reparation, and the particular importance of these rights for displaced persons wishing to return to their original homes or places of habitual residence or to settle voluntarily elsewhere;

"3. *Urges* all parties to peace agreements and voluntary repatriation agreements to include the right to return in safety and dignity, as well as housing and property restitution rights, consistent with the requirements of international law, in all such agreements;

"4. *Reminds* States of the right of all displaced persons to participate in the return and restitution process and in the development of the procedures and mechanisms put in place to protect these rights;

"5. *Urges* all States to guarantee the free and fair exercise of the right to return to one's home or place of habitual residence by all displaced persons and to develop effective and expeditious legal, administrative and other procedures to ensure the free and fair exercise of this right; to restore full national protection of returning displaced persons, States are also urged to establish an enabling legal, administrative and social framework, in particular to put in place effective mechanisms designed to resolve outstanding housing and property problems, including the re-establishment of housing and property registration records where such records were existent;

"6. *Reaffirms* the obligation of States to repeal any laws and regulations which are inconsistent with the right to return and the right to housing and property restitution, in particular discriminatory abandonment laws; persons affected have the right to challenge and to have quashed any application of such laws;

"7. *Reminds* States of the need to ensure, in implementing the right to return, the effective implementation of the right of women to full equality with respect to housing and property restitution, in particular in terms of access and inheritance rights;

"8. *Also reminds* all States that they have an obligation to inform displaced persons, and displaced persons have the right to be informed, of their rights under national and international law, including the rights referred to in the present resolution; to that end, displaced persons shall receive the necessary guidance and counselling as to the procedures to be followed, including access to fair and effective remedies;

"9. *Confirms* that where displaced persons voluntarily settle elsewhere, this does not affect their right to return to their home or place of habitual residence, nor their right to property restitution or, should this not be possible, compensation or other form of just reparation;

"10. *Urges* Governments and other actors involved to do everything possible in order to cease all practices of forced displacement, population transfer and "ethnic cleansing" in violation of international legal standards; to prevent the homelessness of secondary occupants, States are further urged to provide adequate alternative accommodation until displaced persons can return in safety and dignity or they can voluntarily settle elsewhere; where secondary occupants have no place to return to, States are encouraged to provide affordable social housing;

"11. *Confirms* that displaced persons may choose voluntarily to exchange their property rights over their original homes or places of habitual residence for the same or similar rights over another property or undertake other possible transactions, on condition that such decisions are freely taken, as confirmed by an independent and impartial observer;

"12. *Also confirms* that the exercise of the right to return is voluntary and not conditional upon permission or approval; if documentation of any sort is necessary, the returnees are entitled to it as of right and free of cost;

"13. *Further confirms* that the obligation of the State to assist the right of return includes an obligation to make good any damage for which the authorities are responsible, including the obligation to restore the infrastructure, inter alia water, electricity, gas, roads and land, where it has been damaged or destroyed, without which the right to return cannot be fulfilled; in particular, States shall not charge returning displaced persons with the costs for services consumed by those who were temporarily accommodated in the displaced persons' homes;

"14. *Reminds* States that the obligation to secure the protection of human rights includes the obligation to create an effective and independent mechanism to which complainants have effective access to determine in which cases destruction of and damage to their homes and property was carried out by forces for which the State is responsible and, where that is established, to provide full compensation for past and continuing resultant losses; the right to appeal such decisions shall be ensured;

"15. *Also reminds* States that the obligation to secure the protection of human rights includes the obligation to carry out a thorough and effective investigation into any claim of unlawful destruction of homes and property or unlawful occupation, which investigation must be capable of leading to the identification and punishment of those responsible and must include effective access for victims to the investigatory procedure;

"16. *Further reminds* States that they have an obligation to ensure the implementation of any decisions made by impartial and independent judicial bodies concerning restitution;

"17. *Encourages* States to seek through appropriate means to cooperate with the Office of the United Nations High Commissioner for Refugees with regard to matters concerning refugees and, where appropriate, internally displaced persons and with all other humanitarian organizations and other appropriate actors, in the exercise of their respective mandates, and to ensure rapid and unimpeded access to displaced persons to assist in their return or resettlement and reintegration;

"18. *Decides* to continue its consideration of the question of the right to return of displaced persons in the context of freedom of movement under the same agenda item at its fifty-fourth session;

"19. *Recommends* that the Commission on Human Rights adopt the text of the present resolution."

236. A statement in explanation of vote after the vote was made by Mr. Park.

Terrorism and human rights

237. At the 26th meeting, on 16 August 2001, Ms. Daes introduced draft resolution E/CN.4/Sub.2/2001/L.40, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Preware, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui.

238. Statements in connection with the draft resolution were made by Mr. Joinet and Mr. Kartashkin.

239. The draft resolution was adopted unanimously. For the text of the resolution, see chapter II, section A, resolution 2001/18.

Promotion and consolidation of democracy

240. At the same meeting, Mr. Bengoa introduced draft decision E/CN.4/Sub.2/2001/L.41, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Mr. van Hoof, Mr. Joinet, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Mr. Sorabjee and Ms. Warzazi.

241. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/114.

Humanitarian situation of the Iraqi population

242. At the same meeting, Ms. Warzazi introduced draft decision E/CN.4/Sub.2/2001/L.42, sponsored by Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi, Mr. Yokota and Ms. Zerrougui. Mr. Bengoa, Ms. Daes, Mr. Goonesekere, Mr. Kartashkin and Mr. Sorabjee subsequently joined the sponsors.

243. A statement in connection with the draft decision was made by Mr. Joinet.

244. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2001/115.

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

245. At the same meeting, Mr. Goonesekere introduced draft resolution E/CN.4/Sub.2/2001/L.51, sponsored by Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Ms. Motoc and Mr. Yokota. Ms. Daes subsequently joined the sponsors.

246. The draft resolution was adopted without a vote. For the text of the draft resolution, see chapter II, section A, draft resolution 2001/19.

IX. DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT:

(a) Draft provisional agenda for the fifty-fourth session of the Sub-Commission;

(b) Adoption of the report on the fifty-third session

247. The Sub-Commission considered agenda item 7 at its 28th meeting, on 17 August 2001.

Draft provisional agenda for the fifty-fourth session of the Sub-Commission

248. In accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, the Sub-Commission had before it document E/CN.4/Sub.2/2001/L.1 containing the draft provisional agenda for the fifty-fourth session of the Sub-Commission.

249. Ms. Daes orally revised sub-item 5 of the draft provisional agenda.

250. Statements in this connection were made by Ms. Daes, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Pinheiro, Ms. Warzazi, Mr. Yimer and Ms. Zerrougui.

251. The draft provisional agenda reads as follows:

1. *Organization of work*

Legislative authority: Commission on Human Rights resolution 2001/60 and decision 2000/109 (annex, chap. 4); Sub-Commission resolution 2001/24 and decisions 1999/114 and 2001/118.

Documentation:

Working paper by Mr. Bengoa on the methodology and work of the Social Forum (resolution 2001/24, para. 5).

2. *Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, including colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)*

Legislative authority: Commission on Human Rights resolution 2001/60 and decision 2000/109 (annex, paras. 51-53); Sub-Commission resolution 2001/1.

3. *Administration of justice*

Legislative authority: Sub-Commission decisions 2001/103, 2001/104 and 2001/105.

Documentation:

(a) Updated report by Mr. Joinet on the administration of justice through military tribunals (decision 2001/103);

(b) Final working paper by Ms. Zerrougui on discrimination in the criminal justice system (decision 2001/104);

(c) Working paper by Ms. Hampson on the scope of the activities and accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (decision 2001/105).

4. *Economic, social and cultural rights*

Legislative authority: Sub-Commission resolutions 1999/8, 1999/9, 2001/2, 2001/3, 2001/4, 2001/5, 2001/6, 2001/8, 2001/21, 2001/23, 2001/24 and decisions 2001/106 and 2001/122.

Documentation:

(a) Final report of the Special Rapporteurs on the issue of globalization and its impact on the full enjoyment of all human rights (resolution 1999/8 and decision 2001/106);

(b) Annual report of the Secretary-General on the realization of the right to development (resolution 1999/9, para. 5 (b));

(c) Preliminary report of the Special Rapporteur on promotion of the realization of the right to drinking water supply and sanitation (resolution 2001/2, para. 5);

(d) Research documents by Mr. Eide and Mr. Weissbrodt (resolution 2001/3, para. 2);

(e) Report of the sessional working group on the working methods and activities of transnational corporations (resolution 2001/3, para. 5);

(f) Report of the High Commissioner for Human Rights on the human rights implications of liberalization of trade in services (resolution 2001/4, para. 2);

(g) Joint working paper by Mr. Pinheiro, Mr. Yokota, Mr. Guisse and Mr. Bengoa on guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty (resolution 2001/8, para. 3);

(h) Working paper by Mr. van Hoof on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights (resolution 2001/23);

(i) Working paper by Mr. Pinheiro on the return of refugees' or displaced persons' property (decision 2001/122).

5. *Prevention of discrimination*:

(a) Racism, racial discrimination and xenophobia;

(b) Prevention of discrimination and protection of indigenous peoples;

(c) Prevention of discrimination and protection of minorities

Legislative authority: Economic and Social Council resolution 1982/34; Commission on Human Rights resolutions 1995/24 and 1998/19; Sub-Commission resolutions 1998/5, 2001/9, 2001/10, 2001/11, 2001/12 and decisions 2001/107, 2001/108 and 2001/110.

Documentation:

(a) Report of the Working Group on Minorities on its eighth session (Commission resolutions 1995/24 and 1998/19);

(b) Final report of the Special Rapporteur on the concept and practice of affirmative action (Sub-Commission resolution 1998/5, para. 2, and decision 2001/107);

(c) Updated study by Mr. Eide on peaceful and constructive approaches to situations involving minorities (resolution 2001/9, para. 9);

(d) Report of the Working Group on Indigenous Populations on its twentieth session (Economic and Social Council resolution 1982/34; Sub-Commission resolution 2001/10);

(e) Working paper by Ms. Daes on indigenous peoples' permanent sovereignty over natural resources (resolution 2001/10, para. 18);

(f) Report of the High Commissioner for Human Rights (resolution 2001/12, para. 4);

(g) Progress report of the Special Rapporteur on the rights of non-citizens (decision 2001/108);

(h) Expanded working paper by Mr. Goonesekere on the topic of discrimination based on work and descent (decision 2001/110).

6. Other human rights issues:

(a) Women and human rights;

(b) Contemporary forms of slavery;

(c) Other issues

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI); Sub-Commission resolutions 5 (XIV), 2001/13, 2001/14, 2001/15, 2001/16, 2001/17, 2001/18, 2001/19, 2001/20 and decisions 2001/113, 2001/114, 2001/119 and 2001/120.

Documentation:

(a) Report of the Working Group on Contemporary Forms of Slavery on its twenty-seventh session (Economic and Social Council decisions 16 and 17, LVI);

(b) Report of the Secretary-General (resolution 5 (XIV));

(c) Updated report of the Special Rapporteur on traditional practices affecting the health of women and the girl child (resolution 2001/13, para. 10);

(d) Report of the Secretary-General on measures to implement the Programme of Action for the Elimination of the Exploitation of Child Labour (resolution 2001/14, para. 38);

(e) Report of the Secretary-General on the situation of women and girls in the territories controlled by Afghan armed groups (resolution 2001/15, para. 11;

(f) Expanded working paper by Ms. Hampson on reservations to human rights treaties (resolution 2001/17, para. 1);

(g) Second progress report of the Special Rapporteur on terrorism and human rights (resolution 2001/18, para. 6);

(h) Report of the High Commissioner for Human Rights on the issues of systematic rape, sexual slavery and slavery-like practices during armed conflicts (resolution 2001/20, para. 6);

(i) Working paper by Ms. Motoc on the Universal Declaration on the Human Genome and Human Rights (decision 2001/113);

(j) Expanded working paper by Mr. Rodriguez-Cuadros on promotion and consolidation of democracy (decision 2001/114);

(k) Working paper by Mr. Sik Yuen on the utility, scope and structure of a study on the real and potential dangers to the effective enjoyment of human rights posed by the testing, production, storage, transfer, trafficking or use of weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering, including the use of weaponry containing depleted uranium (decision 2001/119);

(l) Working paper by Ms. Frey on the question of (a) the trade and carrying of small arms and light weapons and (b) the use of such weapons in the context of human rights (decision 2001/120).

7. *Draft provisional agenda and adoption of the report:*

(a) Draft provisional agenda for the fifty-fifth session of the Sub-Commission;

(b) Adoption of the report on the fifty-fourth session

Legislative authority: Economic and Social Council resolution 1894 (LVII).

Documentation:

Note by the Secretary-General containing the draft provisional agenda for the fifty-fifth session of the Sub-Commission, together with information concerning documentation relating thereto.

Adoption of the report on the fifty-third session

252. At the same meeting, the Rapporteur of the Sub-Commission presented the draft report on the work of its fifty-third session (E/CN.4/Sub.2/2001/L.10 and Add.1-6 and E/CN.4/Sub.2/2001/L.ll andAdd.1-3).

253. A statement in this connection was made by Mr. Bengoa.

254. At the same meeting, the Sub-Commission adopted the draft report ad referendum and decided to entrust the Rapporteur with its finalization.

255. Concluding remarks were made by Mr. Weissbrodt, Chairperson of the fifty-third session of the Sub-Commission.

256. The United Nations High Commissioner for Human Rights, Ms. Mary Robinson, also made a statement.

257. In the general debate on agenda item 7, statements were made by members of the Sub-Commission and observers for non-governmental organizations. For a detailed list of speakers, see annex II.

ANNEXES

ANNEX I

Agenda[a]

1. Organization of work

   (Election of officers; Adoption of the agenda; Methods of work; Documentation)

2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, including colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

3. Administration of justice

   (Discrimination in the administration of justice; Sessional working group on the administration of justice; Question of human rights and states of emergency; The death penalty in relation to juvenile offenders; Question of enforced disappearances)

4. Economic, social and cultural rights

   (The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations; Globalization and its impact on the full enjoyment of all human rights; The realization of the right to development; The Social Forum; Intellectual property rights and human rights; Promotion of the realization of the right to drinking water and sanitation; Optional protocol to the International Covenant on Economic, Social and Cultural Rights; Adverse consequences of economic sanctions)

5. Prevention of discrimination:

   (a) Racism, racial discrimination and xenophobia;

      (The concept and practice of affirmative action; World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; The rights of non-citizens; Discrimination based on work and descent; Situation of migrant workers)

   (b) Prevention of discrimination and protection of indigenous peoples;

      (Working Group on Indigenous Populations; International Decade of the World's Indigenous People; Indigenous peoples and their relationship to land; Protection of the heritage of indigenous people; Permanent Forum on Indigenous Issues; United Nations Voluntary Fund for Indigenous Populations)

(c) Prevention of discrimination and protection of minorities

(Working Group on Minorities; The human rights problems and protection of the Roma)

6. Other human rights issues:

(a) Women and human rights;

(Traditional practices affecting the health of women and the girl child; Situation of women and girls in the territories controlled by Afghan armed groups)

(b) Contemporary forms of slavery;

(Working Group on Contemporary Forms of Slavery; United Nations Voluntary Trust Fund on Contemporary Forms of Slavery)

(c) Other issues

(The right to seek and enjoy asylum; Detention of asylum-seekers; Smuggling and trafficking in persons and the protection of their human rights; The right of return of displaced persons; Promotion of dialogue on human rights issues; Observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to the International Covenants on Human Rights; Reservations to human rights treaties; Continuing obligations under international human rights instruments; Human rights and human responsibilities; Terrorism and human rights; Promotion and consolidation of democracy; State cooperation with United Nations human rights mechanisms; The adverse effects on human rights of the proliferation and transfer of small arms and light weapons; Systematic rape, sexual slavery and slavery-like practices; Human rights and population displacements; Human rights and disability; Human rights and scientific and technological developments; Transfer of arms and illicit trafficking in arms; Religious intolerance)

7. Draft provisional agenda and adoption of the report:

(a) Draft provisional agenda for the fifty-fourth session of the Sub-Commission;

(b) Adoption of the report on the fifty-third session

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[a] The material in parenthesis is principally based upon the issues raised by Sub-Commission members at the fifty-third session, the indicative subheadings in the annotated agenda (E/CN.4/Sub.2/2001/1/Add.1) and other matters considered by the Sub-Commission at its recent sessions. This material was intended to provide a guide to the substantive issues expected to be discussed under each of the seven agenda items.

ANNEX II

List of speakers: General debate

Agenda item[a]	Meeting	Speakers
1 **Organization of work**	1st	**Members:** Mr. Alfonso Martinez, Ms. Daes, Mr. Fan, Mr. Guissé, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Pinheiro, Mr. Sik Yuen, Ms. Warzazi, Ms. Zerrougui
	2nd and 3rd (closed meetings)	
	4th	**Members:** Ms. Daes, Mr. Joinet
	8th	**Members:** Mr. Alfonso Martinez, Mr. Eide, Mr. Joinet, Mr. Kartashkin, Ms. Motoc
	part of 16th (closed meeting)	
	19th (Preparatory meeting for the Social Forum)	**Members:** Mr. Eide, Mr. Fan, Mr. Guissé, Mr. Oloka-Onyango, Mr. Preware, Mr. Sorabjee, Ms. Warzazi, Mr. Yokota
	20th (Preparatory meeting for the Social Forum)	**Members:** Ms. Hampson, Mr. Kartashkin, Mr. Rodriguez-Cuadros **Government observer:** Chile **Observers for non-governmental organizations:** American Association of Jurists, Indian Council of Education, Indian Movement "Tupaj Amaru", International Commission of Jurists, International Confederation of Free Trade Unions, Minority Rights Group, World Federation of Trade Unions
	part of 24th (closed meeting)	

Agenda item[a]	Meeting	Speakers
2 **Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, including colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)**	4th	**Member:** Ms. Hampson **Government observers:** Bahrain, Iraq **Observers for non-governmental organizations:** Afro-Asian Peoples' Solidarity Organization, American Association of Jurists, Asian Buddhists Conference for Peace, Baha'i International Community, Centre Europe - Tiers Monde, European Union of Public Relations, France libertés - Fondation Danielle Mitterrand, Franciscans International, International Association for Religious Freedom, International Association of Democratic Lawyers, International Educational Development, Inc., International Federation of Human Rights Leagues, International Human Rights Association of American Minorities, International Indian Treaty Council, International Institute for Peace, International Islamic Federation of Student Organizations, International League for the Rights and Liberation of Peoples, Médecins du monde - International, Pax Romana, World Muslim Congress, World Organization against Torture
	5th	**Members:** Mr. Alfonso Martínez, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Park, Mr. Pinheiro, Mr. Preware, Mr. Sik Yuen, Mr. Sorabjee, Ms. Terao, Ms. Warzazi, Ms. Zerrougui **Government observers:** Azerbaijan, Bhutan, Indonesia, Pakistan, Turkey **Government observers (right of reply):** Algeria, Malaysia
	6th	**Members:** Mr. Alfonso Martínez, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Mr. Ogurtsov, Mr. Park, Mr. Pinheiro, Mr. Preware, Mr. Sorabjee, Ms. Warzazi, Ms. Zerrougui **Government observers (right of reply):** Egypt, Turkey
	7th	**Members:** Ms. Daes, Mr. Joinet, Mr. Kartashkin, Mr. Park **Government observer (right of reply):** Democratic People's Republic of Korea
	8th	**Members:** Mr. Alfonso Martínez, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Sik Yuen, Mr. Sorabjee, Ms. Terao, Ms. Warzazi, Ms. Zerrougui

Agenda item[a]	Meeting	Speakers
3 **Administration of justice**	7th	**Members:** Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Joinet **Observers for non-governmental organizations:** Asian Centre for Organization, Research and Development, European Union of Public Relations, Franciscans International, Indian Council of Education, Indian Law Resource Center, Interfaith International, International Association of Democratic Lawyers, International Confederation of Free Trade Unions, International Educational Development, Inc., International Federation of Human Rights Leagues, World Federation of Democratic Youth, World Organization against Torture, Young Doctors without Frontiers Tunisia
	8th	**Members:** Ms. Daes, Mr. Eide, Mr. Fan, Mr. Goonesekere, Ms. Hampson, Mr. Joinet, Mr. Kartashkin **Government observers:** Italy, Russian Federation, Tunisia **Government observers (right of reply):** Bahrain, Mauritania, Republic of Korea **Observers for non-governmental organizations:** Ain o Salish Kendra - Law and Mediation Centre (also on behalf of Transnational Radical Party), Himalayan Research and Cultural Foundation, International Work Group on Indigenous Affairs, Liberation (also on behalf of Asian Buddhists Conference for Peace)
	9th	**Members:** Ms. Daes, Mr. Eide, Ms. Motoc, Ms. Zerrougui **Government observer:** Democratic People's Republic of Korea **Government observers (right of reply):** China, Malaysia **Observers for non-governmental organizations:** Association for World Education, International Commission of Jurists, International Human Rights Association of American Minorities, International Institute for Peace, International Islamic Federation of Student Organizations, International League for the Rights and Liberation of Peoples, Pax Romana

Agenda item[a]	Meeting	Speakers
3 **Administration of justice** (concluded)	10th	**Members:** Mr. Alfonso Martínez, Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Ms. Motoc, Mr. Park, Mr. Yokota **Government observer (right of reply):** Pakistan **Observers for non-governmental organizations:** International Youth and Student Movement for the United Nations
4 **Economic, social and cultural rights**	10th	**Observers for non-governmental organizations:** Afro-Asian Peoples' Solidarity Organization, American Association of Jurists, Asian Centre for Organization Research and Development, Association of World Citizens, European Union of Public Relations, Himalayan Research and Cultural Foundation, Indian Law Resource Center, Interfaith International, International Confederation of Free Trade Unions, International Educational Development, Inc., International Federation of Human Rights Leagues, International Federation of University Women (also on behalf of Zonta International), International Institute for Peace, International Movement for Fraternal Union among Races and Peoples, Union of Arab Jurists (also on behalf of General Arab Women Federation, International Association of Democratic and International Organizations for the Elimination of All Forms of Racial Discrimination)
	11th	**Members:** Mr. Alfonso Martínez, Mr. Bengoa, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Kartashkin, Ms. Motoc, Ms. Warzazi **Government observer:** Egypt **Observers for non-governmental organizations:** Atlas - Association tunisienne pour l'auto-développement et la solidarité, Centre Europe - Tiers Monde, Fraternité Notre Dame, Indian Council of Education, Indian Movement "Tupaj Amaru", International Commission of Jurists (also on behalf of Lutheran World Federation and World Organization against Torture), International Educational Development, Inc., International Federation of University Women, International Movement ATD Fourth World, Minnesota Advocates for Human Rights, Minority Rights Group, Pax Romana, World Federation of Trade Unions
	12th	**Members:** Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Guissé, Mr. van Hoof, Ms. Motoc, Mr. Pinheiro, Mr. Sik Yuen, Mr. Yimer, Mr. Yokota

Agenda item[a]	Meeting	Speakers
4 **Economic, social and cultural rights** (concluded)		**Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations:** International Monetary Fund, World Trade Organization **Observers for non-governmental organizations:** Franciscans International, International Association of Democratic Lawyers, International Islamic Federation of Student Organizations, International League for the Rights and Liberation of Peoples, Liberation (also on behalf of Asian Buddhists Conference for Peace), Pax Romana, World Muslim Congress
	13th	**Members:** Mr. Alfonso Martinez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Ogurtsov, Mr. Park, Ms. Warzazi, Mr. Yimer, Mr. Yokota **Observers for intergovernmental organizations, United Nations bodies, specialized agencies and other organizations:** International Monetary Fund, World Bank, World Trade Organization **Observers for non-governmental organizations:** International Human Rights Association of American Minorities, Movement against Racism and for Friendship among Peoples, Society for Threatened Peoples
	14th	**Members:** Mr. Joinet, Ms. Motoc, Mr. Rodriguez-Cuadros **Government observer:** Iraq **Government observers (right of reply):** Iraq, Turkey **Observers for non-governmental organizations:** International Indian Treaty Council, International Youth and Student Movement for the United Nations

Agenda item[a]	Meeting	Speakers
5 **Prevention of discrimination**	14th	**Members:** Ms. Daes, Mr. Eide, Mr. Goonesekere, Mr. Joinet, Mr. Kartashkin, Mr. Park, Ms. Terao, Ms. Warzazi, Mr. Yimer
	15th	**Members:** Mr. Eide, Mr. Fan, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Mr. Park, Mr. Pinheiro, Mr. Sik Yuen **Government observer:** India **Observers for non-governmental organizations:** Asian Centre for Organization, Research and Development, Human Rights Watch, International Council of Women, International Institute for Peace, International Movement against All Forms of Discrimination and Racism, Society for Threatened Peoples
	16th	**Members:** Mr. Alfonso Martinez, Ms. Daes, Mr. Guissé, Mr. van Hoof, Mr. Oloka-Onyango, Mr. Preware, Mr. Sorabjee, Ms. Warzazi **Government observers:** Malaysia, Pakistan **Observers for non-governmental organizations:** Afro-Asian Peoples' Solidarity Organization, Art of Living Foundation, Association of World Citizens, European Union of Public Relations, International Federation of Human Rights Leagues (also on behalf of Lutheran World Federation), Minority Rights Group, World Federation of Trade Unions
	17th	**Members:** Ms. Daes, Mr. Kartashkin, Ms. Motoc **Observers for non-governmental organizations:** AFRECure - All for Reparations and Emancipation, Himalayan Research and Cultural Foundation, International Educational Development, International Federation of Free Journalists, International Movement for Fraternal Union among Races and Peoples, Liberation, Médecins du monde - International (also on behalf of International Federation of Human Rights Leagues and International Save the Children Alliance), Movement against Racism and for Friendship among Peoples, World Muslim Congress, World Union for Progressive Judaism

Agenda item[a]	Meeting	Speakers
5 **Prevention of discrimination** (concluded)	18th	**Members:** Ms. Daes, Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Kartashkin, Ms. Motoc, Mr. Park, Mr. Rodriguez-Cuadros, Ms. Sardenberg, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer, Mr. Yokota
	20th	**Members:** Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Kartashkin, Mr. Preware **Observers for non-governmental organizations:** Fian-Foodfirst Information and Action Network, Franciscans International, Indian Movement "Tupaj Amaru", Interfaith International, International Confederation of Free Trade Unions, International Indian Treaty Council, International League for the Rights and Liberation of Peoples, Japan Fellowship of Reconciliation, Minnesota Advocates for Human Rights, Public Services International, Shimin Gaikou Centre, Transnational Radical Party, World Federation for Mental Health, World Federation of Democratic Youth
	21st	**Members:** Mr. Eide, Ms. Motoc **Government observers:** Belarus, Romania **Government observers (right of reply):** Hungary, Mauritius, Turkey **Observers for non-governmental organizations:** Amnesty International, Asian Women's Human Rights Council, International Islamic Federation of Student Organizations, Pax Romana
6 **Other human rights issues**	21st	**Members:** Mr. Eide, Mr. Gómez-Robledo Verduzco, Mr. Goonesekere, Mr. Guissé, Mr. Joinet, Ms. Motoc, Mr. Sorabjee, Ms. Warzazi, Ms. Zerrougui **Government observers:** Turkey, Pakistan **Observers for non-governmental organizations:** European Union of Public Relations, International Educational Development, Inc., International League for the Rights and Liberation of Peoples

Agenda item[a]	Meeting	Speakers
6 **Other human rights issues** (concluded)	22nd	**Members:** Mr. Eide, Mr. Fan, Ms. Hampson, Ms. Motoc, Mr. Park, Mr. Yimer, Mr. Yokota, Ms. Warzazi, Ms. Zerrougui **Government observers:** Democratic People's Republic of Korea, India, Mauritania, Nepal, Republic of Korea **Observers for non-governmental organizations:** Asian Women's Human Rights Council, International Fellowship of Reconciliation, International Institute for Non-Aligned Studies, International Islamic Federation of Student Organizations, Korean Women's Associations United, Liberation, International Médecins du monde - International, National Organization of Circumcision Information Resource Centers, World Muslim Congress, World Union for Progressive Judaism
	23rd	**Members:** Mr. Fan, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Pinheiro, Ms. Warzazi, Mr. Yokota **Government observer:** Iraq **Government observers (right of reply):** Japan, Mauritius, Viet Nam **Observers for non-governmental organizations:** Afro-Asian Peoples' Solidarity Organization, Asian Buddhist Conference for Peace, Association tunisienne des mères, Himalayan Research and Cultural Foundation, Indian Movement "Tupaj Amaru", Interfaith International, International Association of Democratic Lawyers, International Movement Against All Forms of Racism and Discrimination, Minority Rights Group, Pax Christi International, Pax Romana, Union of Arab Jurists, World Federation for Mental Health, World Federation of Trade Unions, World Organization against Torture
	24th	**Members:** Mr. Alfonso Martinez, Ms. Daes, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Ms. Motoc, Mr. Pinheiro, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Yokota **Government observer:** Afghanistan **Government observers (right of reply):** Democratic People's Republic of Korea, Indonesia, Iraq, Mauritius, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America

Agenda item[a]	Meeting	Speakers
7 **Draft provisional agenda and adoption of the report**	28th	**Members:** Ms. Daes, Mr. Eide (on behalf of the Western Group), Mr. Goonesekere (on behalf of the Asian Group), Mr. Joinet, Ms. Motoc (on behalf of the Eastern European Group), Mr. Pinheiro (on behalf of the Latin American Group), Ms. Warzazi (on behalf of the African Group) **Observers for non-governmental organizations:** Minnesota Advocates for Human Rights (also on behalf of Indian Movement "Tupaj Amaru")

[a] The title of agenda items have been abbreviated where appropriate.

ANNEX III

Attendance

Experts and alternates

Name	*Country of nationality*
Mr. Miguel ALFONSO MARTÍNEZ	(Cuba)
Mr. José BENGOA	(Chile)
Ms. Erica-Irene A. DAES	(Greece)
Ms. Kalliopi KOUFA*	
Mr. Asbjørn EIDE	(Norway)
Mr. FAN Guoxiang	(China)
Mr. Alonso GOMEZ-ROBLEDO VERDUZCO*	(Mexico)
Mr. Rajendra Kalidas Wimala GOONESEKERE	(Sri Lanka)
Ms. Deepika UDAGAMA*	
Mr. El Hadji GUISSÉ	(Senegal)
Ms. Françoise Jane HAMPSON	(United Kingdom of Great Britain and Northern Ireland)
Mr. Fried van HOOF	(Netherlands)
Mr. Louis JOINET	(France)
Ms. Antoanella-Iulia MOTOC	(Romania)
Mr. Stanislav OGURTSOV	(Belarus)
Mr. Joseph OLOKA-ONYANGO	(Uganda)
Mr. Soo Gil PARK	(Republic of Korea)
Ms. Chin Sung CHUNG*	

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* Alternate.

Name	*Country of nationality*
Mr. Paulo Sérgio PINHEIRO Ms. Marília SARDENBERG*	(Brazil)
Mr. Godfrey Bayour PREWARE Ms. Christy Ezim MBONU*	(Nigeria)
Mr. Vladimir KARTASHKIN	(Russian Federation)
Mr. Manuel RODRÍGUEZ-CUADROS	(Peru)
Mr. Yeung Kam Yeung SIK YUEN	(Mauritius)
Mr. Soli Jehangir SORABJEE	(India)
Ms. Halima Embarek WARZAZI	(Morocco)
Mr. David WEISSBRODT Ms. Barbara FREY*	(United States of America)
Mr. Fisseha YIMER	(Ethiopia)
Mr. Yozo YOKOTA Ms. Yoshiko TERAO*	(Japan)
Ms. Leïla ZERROUGUI	(Algeria)

States Members of the United Nations represented by observers

- Afghanistan
- Albania
- Algeria
- Angola
- Argentina
- Armenia
- Australia
- Austria
- Azerbaijan
- Bahrain
- Bangladesh
- Belarus
- Bhutan
- Bosnia and Herzegovina
- Brazil
- Bulgaria
- Cameroon
- Canada
- China
- Colombia
- Congo
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cyprus
- Democratic People's Republic of Korea
- Denmark
- Egypt
- Eritrea
- Estonia
- Ethiopia
- Finland
- France
- Georgia
- Germany
- Greece
- Guatemala
- Honduras
- India
- Indonesia
- Iran (Islamic Republic of)
- Iraq
- Ireland
- Israel
- Italy
- Japan
- Kazakhstan
- Kenya
- Kuwait
- Latvia
- Lithuania
- Luxembourg
- Madagascar
- Malaysia
- Mauritania
- Mexico
- Nepal
- Netherlands
- New Zealand
- Nicaragua
- Nigeria
- Oman
- Pakistan
- Peru
- Philippines
- Poland
- Portugal
- Qatar
- Republic of Korea
- Romania
- Russian Federation
- San Marino
- Saudi Arabia
- Singapore
- Slovakia
- Slovenia
- Spain
- Sri Lanka
- Somalia
- Sudan
- Syrian Arab Republic
- Thailand
- Tunisia
- Turkey
- Ukraine
- United Kingdom of Great Britain and Northern Ireland
- United States of America
- Uruguay
- Venezuela
- Viet Nam
- Yemen
- Yugoslavia

Non-member States represented by observers

Holy See, Switzerland

Other observers

Palestine

United Nations bodies

United Nations Children's Fund
United Nations Conference on Trade and Development
United Nations Development Programme
United Nations Environment Programme
United Nations Information Service
Office of the United Nations High Commissioner for Refugees
World Food Programme

Specialized agencies

International Labour Office
International Monetary Fund
United Nations Educational, Scientific and Cultural Organization
World Health Organization
World Intellectual Property Organization
World Trade Organization

Intergovernmental organizations

African Commission on Human and Peoples' Rights
Council of Europe
European Commission
International Organization for Migration
League of Arab States
Organization of the Islamic Conference

Other entities

International Committee of the Red Cross
Order of Malta

Non-governmental organizations

General consultative status

Brahma Kumaris World Spiritual University
Centre Europe - Third World
Franciscans International
General Arab Women Foundation
International Association for Religious Freedom
International Council of Women
International Movement ATD Fourth World

International Institute for Non-Aligned Studies
International Save the Children Alliance
International Youth and Student Movement for the United Nations
Médecins du monde - International
Transnational Radical Party
Tunisian Mother's Association
Women's International Democratic Federation
World Association of Girl Guides and Girls Scouts
World Federation of Democratic Youth
World Federation of Trade Unions
World Federation of United Nations Associations
World Muslim Congress
Zonta International

Special consultative status

Admiral Family Circle Islamic Community
African Commission of Health and Human Rights Promoters
Afro-Asian peoples' Solidarity Organizations
American Association of Jurists
American Bar Association
American Jewish Committee
Amnesty International
Anti-Slavery International
Arab Lawyers Union
Asian Centre for Organization, Research and Development
Asian Women's Human Rights Council
Association of Former International Civil Servants
Comisión Juridica para el Autodesarrollo de Los Pueblos Originarios
Commission for the Defense of Human Rights in Central America
Communities Forestry and Social Development Organization
Consultative Council of Jewish Organisations
Femmes Africa Solidarité
France libertés - Fondation Danielle Mitterrand
Fraternité Notre Dame
Friends World Committee for Consultation (Quakers)
Himalayan Research and Cultural Foundation
Human Rights Advocates
Human Rights Watch
Indian Council of Education
Indian Movement "Tupaj Amaru"
Inter-African Committee on Traditional Practices
Interfaith International
International Association of Democratic Lawyers
International Centre for Ethnic Studies
International Club for Peace Research
International Commission of Jurists
International Council of Jewish Women
International Federation of Human Rights Leagues
International Federation of Social Workers
International Federation of University Women
International Indian Treaty Council
International Institute of Humanitarian Law
International Islamic Federation of Student Organizations
International League for the Rights and Liberation of Peoples
International Movement for Fraternal Union Among Races and Peoples
International Organization for the Development of Freedom of Education
International Organization for the Elimination of All forms of Racial Discrimination
International Service for Human Rights
International Work Group for Indigenous Affairs

International Women's Information and Communication Service
Japan Fellowship of Reconciliation
Korean Women's Associations United Liberation
Law and Mediation Centre (ASK)
Minnesota Advocates for Human Rights
New Humanity
New South Wales Aboriginal Land Council
North South XXI
Organisation pour la promotion et la protection des droits de la femme et de l'enfant
Organisation tunisienne des jeunes médecins sans frontières
Oxfam
Pax Christi International
Pax Romana
Public Services International
Radin Institute for Family Health and Education Programme
Rural Reconstruction Nepal
Shimin Gaikou Centre
Society for Threatened Peoples
Union of Arab Jurists
United Towns Agency for North-South Cooperation
Women International League for Peace And Freedom
World Federation for Mental Health
World Information Clearing Centre
World Jewish Congress
World Movement of Mothers
World Organization Against Torture
World Union of Catholic Women's Organizations
Worldview International Foundation
World Vision International

Roster

All For Reparations and Emancipation
Asian Buddhist Conference for Peace
Association mondiale pour l'école instrument de paix
Association ofr World Education
Association for World Citizens
Consejo Indio de Sud America
European Union of Public Relations
FoodFirst Information and Action Network
Free Youth Association of Bucharest
Indian Law Resource Center
International Educational Development, Inc.
International Federation of Free Journalists
International Federation of Rural Adult Catholic Movements
International Human Rights Association of American Minorities
International Human Rights Internship Programme
International Institute for Peace
International Movement Against All Forms of Discrimination and Racism
International PEN
Metis National Council
Minority Rights Group
Movement against Racism and for Friendship among Peoples
National Organization of Circumcision Information Resource Centers
Servas International
Soka Gakkai International
World Union for Progressive Judaism

ANNEX IV

Administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its fifty-third session

1. It is anticipated that the requirements relating to resolutions and decisions adopted by the Sub-Commission at its fifty-third session which are to be considered by the Commission on Human Rights at its fifty-eighth session, would be absorbed from within the provisions made under section 21 of the 2002-2003 programme budget for activities mandated by the Economic and Social Council. If warranted, statements on administrative and programme budget implications will be prepared.

2. Should the draft decisions recommended to the Commission on Human Rights at its fifty-eighth session be adopted, additional resources which would be required under section 21 would be the subject of a statement on administrative and programme budget implications included in the report of the Commission. Accordingly, no statements on administrative and programme budget implications are included in the present report in respect of resolutions and decisions adopted by the Sub-Commission at its fifty-third session.

ANNEX V

Sub-Commission resolutions and decisions referring to matters which are drawn to the attention of the Commission on Human Rights

Resolutions

2001/1	Recognition of responsibility and reparation for massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, of colonialism and wars of conquest, paragraph 2
2001/4	Liberalization of trade in services, and human rights, paragraph 6
2001/5	Globalization and its impact on the full enjoyment of all human rights, paragraph 8
2001/6	Optional protocol to the International Covenant on Economic, Social and Cultural Rights, paragraphs 1 and 2
2001/7	The right to food, and the World Food Summit: five years later, paragraph 1
2001/8	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty, paragraph 3
2001/9	The rights of minorities, paragraph 5
2001/10	Working Group on Indigenous Populations, paragraphs 3, 6, 13, 16 and 20
2001/12	International Decade of the World's Indigenous People, paragraphs 4, 12, 13, 14, 15 and 16
2001/14	Report of the Working Group on Contemporary Forms of Slavery, paragraphs 25 and 38
2001/15	Situation of women and girls in the territories controlled by Afghan armed groups, paragraph 9
2001/21	Intellectual property and human rights, paragraph 13
2001/24	The Social Forum, paragraph 12

Decisions

2001/109	Final working paper on indigenous peoples and their relationship to land
2001/111	A preparatory workshop on implementation of the recommendations relating to indigenous peoples contained in Agenda 21 of the United Nations Conference on Environment and Development
2001/113	Human rights and bioethics

ANNEX VI

List of studies and reports

A. Studies and reports completed at the fifty-third session of the Sub-commission[a]

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
5	Indigenous peoples and their relationship to land	Ms. Daes	Sub-Commission decision 2000/108	Forty-ninth session (1997)	Fifty-third session (2001)

B. Ongoing studies and reports entrusted to special rapporteurs in accordance with existing legislative authority[a]

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
4	Globalization and its impact on the full enjoyment of all human rights	Mr. Oloka-Onyango and Ms. Udagama	Sub-Commission resolution 1999/8	Fifty-second session (2000)	Fifty-fourth session (2002)
5	The concept and practice of affirmative action	Mr. Bossuyt	Commission on Human Rights decision 1999/107 Sub-Commission resolution 1998/5	Fifty-second session (2000)	Fifty-fourth session (2002)
5	The rights of non-citizens	Mr. Weissbrodt	Commission on Human Rights decision 2000/104 Sub-Commission decision 2000/103	Fifty-third session (2001)	Fifty-fifth session (2003)
6	Traditional practices affecting the health of women and the girl child	Ms. Warzazi	Commission on Human Rights resolution 1999/80 Sub-Commission resolutions 2000/10 and 2001/13	Forty-first session (1989)	Fifty-fourth session (2002)

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
6	Terrorism and human rights	Ms. Koufa	Commission on Human Rights decision 1998/107 Sub-Commission resolution 2001/18	Fifty-first session (1999)	Fifty-fifth session (2003)
6	Human rights and human responsibilities	Mr. Alfonso Martínez	Commission on Human Rights resolution 2000/63 Sub-Commission decision 2000/111	Fifty-eighth session of the Commission on Human Rights (2002)	Fifty-ninth session of the Commission on Human Rights (2003)

C. Working papers and other documents without financial implications entrusted to members of the Sub-commission[a]

Item	Title	Entrusted to	Legislative authority	First submission	Final submission
1	Preliminary working paper outlining the methodology and work of the Social Forum	Mr. Bengoa	Sub-Commission resolution 2001/24	Fifty-fourth session (2002)	
3	Updated report on the evolution of the administration of justice through military tribunals	Mr. Joinet	Sub-Commission decision 2001/103	Fifty-third session (2001)	Fifty-fourth session (2002)
3	Final working paper on discrimination in the criminal justice system	Ms. Zerrougui	Sub-Commission decision 2001/104	Fifty-third session (2001)	Fifty-fourth session (2002)
3	Working paper on scope of the activities and the accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations	Ms. Hampson	Sub-Commission decision 2001/105		Fifty-fourth session (2002)

Item	Title	Entrusted to	Legislative authority	First submission	Final submission
4	Research documents on the subject of the working methods and activities of transnational corporations	Mr. Eide and Mr. Weissbrodt	Sub-Commission resolution 2001/3		Fifty-fourth session (2002)
4	Working paper on the need to develop guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty	Mr. Pinheiro, Mr. Yokota, Mr. Guissé and Mr. Bengoa	Sub-Commission resolution 2001/8		Fifty-fourth session (2002)
4	Working paper on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights	Mr. van Hoof	Sub-Commission resolution 2001/23		Fifty-fourth session (2002)

Item	Title	Entrusted to	Legislative authority	First submission	Final submission
4	Working paper on return of refugees' or displaced persons' property	Mr. Pinheiro	Sub-Commission decision 2001/122		Fifty-fourth session (2002)
5	Update of the study on peaceful and constructive approaches to situations involving minorities	Mr. Eide	Sub-Commission resolution 2001/9	Fifty-fourth session (2002)	Fifty-fifth session (2003)
5	Working paper on indigenous peoples' permanent sovereignty over natural resources	Ms. Daes	Sub-Commission resolution 2001/10		Fifty-fourth session (2002)
5	Expanded working paper on discrimination based on work and descent in other regions of the world	Mr. Goonesekere	Sub-Commission decision 2001/110	Fifty-third session (2001)	Fifty-fourth session (2002)
6	Expanded working paper on reservations to human rights treaties	Ms. Hampson	Sub-Commission resolution 2001/17	Fifty-first session (1999)	Fifty-fourth session (2002)

Item	Title	Entrusted to	Legislative authority	First submission	Final submission
6	Working paper on the Universal Declaration on the Human Genome and Human Rights as the contribution of the Sub-Commission to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration	Ms. Motoc	Sub-Commission decision 2001/113		Fifty-fourth session of the Sub-Commission (2002) Fifty-ninth session of the Commission on Human Rights (2003)
6	Expanded working paper on measures provided in the various international human rights instruments for the promotion and consolidation of democracy	Mr. Rodriguez-Cuadros	Sub-Commission decision 2001/114	Fifty-third session (2001)	Fifty-fourth session (2002)

Item	Title	Entrusted to	Legislative authority	First submission	Final submission
6	Working paper assessing the utility, scope and structure of a study on the real and potential dangers to the effective enjoyment of human rights posed by the testing, production, storage, transfer, trafficking or use of weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering, including the use of weapons containing depleted uranium	Mr. Sik Yuen	Sub-Commission decision 2001/119		Fifty-fourth session (2002)
6	Working paper on the question of (a) the trade and carrying of small arms and light weapons and (b) the use of such weapons in the context of human rights and humanitarian norms	Ms. Barbara Frey	Sub-Commission decision 2001/120		Fifty-fourth session (2002)

D. Studies and reports recommended to the Commission on Human Rights for approval[a]

Item	Title	Special Rapporteur	Legislative authority	First submission	Final submission
4	Promotion of the realization of the right to drinking water and sanitation	Mr. Guissé	Sub-Commission resolution 2001/2	Fifty-fourth session (2002)	Fifty-sixth session (2004)

[a] This list has been prepared in accordance with Commission on Human Rights resolution 1982/23.

ANNEX VII

List of documents issued for the fifty-third session of the Sub-Commission

Documents issued in the general series

Symbol	Agenda item	
E/CN.4/Sub.2/2001/1		Provisional agenda: note by the Secretary-General
E/CN.4/Sub.2/2001/1/Rev.1		Agenda
E/CN.4/Sub.2/2001/1/Add.1	2	Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/Sub.2/2001/2	5	Working paper on discrimination against indigenous peoples submitted by Ms. Erica-Irene Daes in accordance with Sub-Commission resolution 1999/20
E/CN.4/2001/134 E/CN.4/Sub.2/2001/3	2	Note by the High Commissioner for Human Rights transmitting the report of the International Commission of Inquiry for Togo
E/CN.4/2001/134/Add.1 E/CN.4/Sub.2/2001/3/Add.1	2	Letter dated 22 January 2001 from the Prime Minister of Togo addressed to the United Nations High Commissioner for Human Rights
E/CN.4 /2001/134/Add.2 E/CN.4/Sub.2/2001/3/Add.2	2	Letter dated 6 February 2001 from Mr. Vincent Del Buono, Deputy Secretary General of Amnesty International, addressed to the United Nations High Commissioner for Human Rights
E/CN.4/2001/134/Add.3 E/CN.4/Sub.2/2001/3/Add.3	2	Letter dated 9 March 2001 from the Deputy Secretary General of Amnesty International addressed to the United Nations High Commissioner for Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/2001/4	6	Report of the Secretary-General on the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, submitted pursuant to Sub-Commission resolution 1998/19
E/CN.4/Sub.2/2001/5	1	Organization of work: note by the Secretariat
E/CN.4/Sub.2/2001/6 and Corr.1	3	List of States which have proclaimed or continued a state of emergency: report of the Office of the High Commissioner for Human Rights submitted in accordance with Commission on Human Rights decision 1998/108
E/CN.4/Sub.2/2001/7	3	Report of the sessional working group on the administration of justice
E/CN.4/Sub.2/2001/8 and Corr.1	3	Mass and flagrant violations of human rights which constitute crimes against humanity and which took place during the colonial period, wars of conquest and slavery: note by the Secretary-General
E/CN.4/Sub.2/2001/9	4	Report of the sessional working group on the working methods and activities of transnational corporations on its third session
E/CN.4/Sub.2/2001/10	4	Globalization and its impact on the full enjoyment of human rights: progress report submitted by Mr. J. Oloka-Onyango and Ms. Deepika Udagama, in accordance with Sub-Commission resolution 1999/8 and Commission on Human Rights decision 2000/102

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/2001/11 and Add.1	4	Promoting the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006): report of the Secretary-General submitted in accordance with Sub-Commission resolution 1999/9
E/CN.4/Sub.2/2001/12 and Add.1	4	Intellectual property rights and human rights: report of the Secretary-General
E/CN.4/Sub.2/2001/13	4	The impact of the Agreement on Trade-Related Aspects of Intellectual Property Rights on human rights: report of the High Commissioner
E/CN.4/Sub.2/2001/14	4	Optional protocol to the International Covenant on Economic, Social and Cultural Rights: note by the secretariat
E/CN.4/Sub.2/2001/15	5	The concept and practice of affirmative action: progress report submitted by Mr. Bossuyt, Special Rapporteur, in accordance with Sub-Commission resolution 1998/5
E/CN.4/Sub.2/2001/16	5	Working paper by Mr. Rajendra Kalidas Wimala Goonesekere on the topic of discrimination based on work and descent, submitted pursuant to Sub-Commission resolution 2000/4
E/CN.4/Sub.2/2001/17	5 (b)	Prevention of discrimination and protection of indigenous peoples: report of the Working Group on Indigenous Populations on its nineteenth session
E/CN.4/Sub.2/2001/18	5	Prevention of discrimination and protection of indigenous peoples and minorities: note by the secretariat

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/2001/19	5	Prevention of discrimination and protection of indigenous peoples and minorities: note by the secretariat
E/CN.4/Sub.2/2001/20 and Add.1	5	The rights of non-citizens: preliminary report of the Special Rapporteur, Mr. David Weissbrodt, submitted in accordance with Sub-Commission decision 2000/103
E/CN.4/Sub.2/2001/21	5	Indigenous peoples and their relationship to land: final working paper prepared by the Special Rapporteur, Ms. Erica-Irene A. Daes
E/CN.4/Sub.2/2001/22	5	Report of the Working Group on Minorities on its seventh session
E/CN.4/Sub.2/2001/23	6	Other issues: note by the Secretary-General
E/CN.4/Sub.2/2001/24	3, 4 and 5	Prevention of discrimination and protection of indigenous peoples and minorities: memorandum submitted by the International Labour Office
E/CN.4/Sub.2/2001/25		Not issued
E/CN.4/Sub.2/2001/26	6	Smuggling and trafficking in persons and the protection of their human rights: note by the Secretary-General
E/CN.4/Sub.2/2001/27	6	Fifth report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child, submitted by Ms. Halima Embarek Warzazi pursuant to Sub-Commission resolution 2000/10

Documents issued in the general series (*continued*)

Symbol	Agenda item	
E/CN.4/Sub.2/2001/28	6	Report of the Secretary-General on the situation of women and girls in the territories occupied by Afghan armed groups, submitted in accordance with Sub-Commission resolution 2000/11
E/CN.4/Sub.2/2001/29	6	Systematic rape, sexual slavery and slavery-like practices during armed conflicts: report of the High Commissioner for Human Rights
E/CN.4/Sub.2/2001/30	6	Report of the Working Group on Contemporary Forms of Slavery on its twenty-sixth session. Chairperson-Rapporteur: Mr. Rajendra K. Goonesekere
E/CN.4/Sub.2/2001/31	6	Terrorism and human rights: progress report prepared by Ms. Kalliopi K. Koufa, Special Rapporteur
E/CN.4/Sub.2/2001/32	6	Working paper by Mr. Manuel Rodríguez Cuadros on the measures provided in the various international human rights instruments for the promotion and consolidation of democracy, in accordance with the mandate contained in decision 2000/116 of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/2001/33	4	Economic, social and cultural rights: note by the secretariat
E/CN.4/Sub.2/2001/34	4	Note verbale dated 19 June 2001 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the United Nations High Commissioner for Human Rights

Documents issued in the general series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/2001/35	6	Note verbale dated 10 August 2001 from the Permanent Mission of Iraq addressed to the secretariat of the Sub-Commission
E/CN.4/Sub.2/2001/36	4	Note verbale dated 10 August 2001 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the secretariat of the Sub-Commission
E/CN.4/Sub.2/2001/37	6	Note verbale dated 10 August 2001 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the secretariat of the Sub-Commission
E/CN.4/Sub.2/2001/38	5	Letter dated 14 August 2001 from the Chargé d'Affaires of the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office at Geneva addressed to the Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/2001/39	5	Letter dated 15 August 2001 from the Deputy Permanent Representative of Mauritius to the United Nations Office at Geneva addressed to the Chairperson of the Sub-Commission on the Promotion and Protection of Human Rights

Documents issued in the limited series

Symbol	Agenda item	
E/CN.4/Sub.2/2001/L.1	7 (a)	Draft provisional agenda for the fifty-fourth session of the Sub-Commission: note by the Secretary-General
E/CN.4/Sub.2/2001/L.2	6	Human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering: draft decision
E/CN.4/Sub.2/2001/L.3	3	Issue of the administration of justice through military tribunals: draft decision
E/CN.4/Sub.2/2001/L.4	3	Discrimination in the criminal justice system: draft decision
E/CN.4/Sub.2/2001/L.5	4	Promotion of the realization of the right to drinking water and sanitation: draft resolution
E/CN.4/Sub.2/2001/L.6	3	Implementation in practice of the obligation to provide an effective domestic remedy: draft decision
E/CN.4/Sub.2/2001/L.7	3	Scope of the activities and the accountability of armed forces, United Nations civilian police and international civil servants taking part in peace support operations: draft decision
E/CN.4/Sub.2/2001/L.8	4	The effects of the working methods and activities of transnational corporations on the enjoyment of human rights: draft resolution
E/CN.4/Sub.2/2001/L.9	6 (a)	Traditional practices affecting the health of women and the girl child: draft resolution

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/2001/L.10 and Add.1-6	7 (a)	Draft report of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/2001/L.11 and Add.1-3	7	Draft report of the Sub-Commission on the Promotion and Protection of Human Rights
E/CN.4/Sub.2/2001/L.12	5	The rights of minorities: draft resolution
E/CN.4/Sub.2/2001/L.13	4	Liberalization of trade in services, and human rights: draft resolution
E/CN.4/Sub.2/2001/L.14	5 (b)	Working Group on Indigenous Populations: draft resolution
E/CN.4/Sub.2/2001/L.15	1	The Social Forum: draft resolution
E/CN.4/Sub.2/2001/L.16	4	Globalization and its impact on the full enjoyment of all human rights: draft resolution
E/CN.4/Sub.2/2001/L.17	4	Intellectual property and human rights: draft resolution
E/CN.4/Sub.2/2001/L.18	6 (b)	Report of the Working Group on Contemporary Forms of Slavery: draft resolution
E/CN.4/Sub.2/2001/L.19	5	The concept and practice of affirmative action: draft decision
E/CN.4/Sub.2/2001/L.20	5	The rights of non-citizens: draft decision
E/CN.4/Sub.2/2001/L.21	4	Optional Protocol to the International Covenant on Economic, Social and Cultural Rights: draft resolution

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/2001/L.22	6 (a)	Situation of women and girls in the territories controlled by Afghan armed groups: draft resolution
E/CN.4/Sub.2/2001/L.23	6	Human rights and bioethics: draft decision
E/CN.4/Sub.2/2001/L.24	4	Study on non-discrimination as enshrined in article 2.2 of the International Covenant on Economic, Social and Cultural Rights: draft resolution
E/CN.4/Sub.2/2001/L.25	4	The right to food, and the World Food Summit: five years later: draft resolution
E/CN.4/Sub.2/2001/L.26	6	The question of the transfer and use of small arms and light weapons in the context of human rights and humanitarian norms: draft decision
E/CN.4/Sub.2/2001/L.27	5	Indigenous peoples and their relationship to land: draft decision
E/CN.4/Sub.2/2001/L.28	5	Discrimination based on work and descent: draft decision
E/CN.4/Sub.2/2001/L.29	6	International cooperation in the detection, arrest, extradition and punishment of persons guilty of crimes against humanity: draft resolution
E/CN.4/Sub.2/2001/L.30	4	Appointment of a commentator on the guidelines to be proposed in the final report on globalization and its impact on the full enjoyment of human rights: draft decision
E/CN.4/Sub.2/2001/L.31	5 (a)	World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance: draft resolution

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/2001/L.32	6	Systematic rape, sexual slavery and slavery-like practices: draft resolution
E/CN.4/Sub.2/2001/L.33	6	International protection for refugees and displaced persons: draft resolution
E/CN.4/Sub.2/2001/L.34	1	Positive effect of work relating to specific situations: draft decision
E/CN.4/Sub.2/2001/L.35	4	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty: draft resolution
E/CN.4/Sub.2/2001/L.36	6	Ms. Hampson: amendments to L.2
E/CN.4/Sub.2/2001/L.37	6	State cooperation with United Nations human rights mechanisms: draft resolution
E/CN.4/Sub.2/2001/L.38	6	Reservations to human rights treaties: draft resolution
E/CN.4/Sub.2/2001/L.39	6	The right to return of internally displaced persons and refugees: draft resolution
E/CN.4/Sub.2/2001/L.40	6	Terrorism and human rights: draft resolution
E/CN.4/Sub.2/2001/L.41	6	Promotion and consolidation of democracy: draft decision
E/CN.4/Sub.2/2001/L.42	6 (c)	Humanitarian situation of the Iraqi population: draft decision
E/CN.4/Sub.2/2001/L.43	1	Organization of work: draft decision
E/CN.4/Sub.2/2001/L.44	4	The return of refugees' or displaced persons' property: draft decision

Documents issued in the limited series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/2001/L.45	4	Ms. Hampson: amendment to E/CN.4/Sub.2/2001/L.16
E/CN.4/Sub.2/2001/L.46	4	Ms. Hampson: amendment to E/CN.4/Sub.2/2001/L.17
E/CN.4/Sub.2/2001/L.47	1	Measures to improve the functioning of the Sub-Commission on the Promotion and Protection of Human Rights: draft decision
E/CN.4/Sub.2/2001/L.48	5 (b)	International Decade of the World's Indigenous People: draft resolution
E/CN.4/Sub.2/2001/L.49	5 (b)	A preparatory workshop on implementation of the recommendations relating to indigenous peoples contained in Agenda 21 of the United Nations Conference on Environment and Development: draft decision
E/CN.4/Sub.2/2001/L.50	5 (b)	Presentation of the report of the Working Group on Indigenous Populations on its nineteenth session to the Permanent Forum on Indigenous Issues: draft decision
E/CN.4/Sub.2/2001/L.51	6 (b)	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery: draft resolution

Documents issued in the non-governmental organization series

Symbol	Agenda item	
E/CN.4/Sub.2/2001/NGO/1	2	Written statement submitted by Baha'i International Community, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2001/NGO/2	5	Written statement submitted by All for Reparations and Emancipation, a non-governmental organization on the Roster
E/CN.4/Sub.2/2001/NGO/3	4	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2001/NGO/4	2	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2001/NGO/5	3	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2001/NGO/6	5	Written statement submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2001/NGO/7	2	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/2001/NGO/8	2	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/Sub.2/2001/NGO/9	3	Joint written statement submitted by Franciscans International, a non-governmental organization in general consultative status and Pax Romana, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2001/NGO/10	2	Written statement submitted by International Educational Development, Inc., a non-governmental organization on the Roster
E/CN.4/Sub.2/2001/NGO/11	4	Written statement submitted by the International League for Human Rights, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2001/NGO/12	2	Written statement submitted by the International Fellowship of Reconciliation, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2001/NGO/13	2	Written statement submitted by Rights and Democracy, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2001/NGO/14	2	Exposición presentada por escrito por la Coordinadora Nacional de Derechos Humanos, Perú, por la organización no gubernamental reconocida como entidad consultativa especial

Documents issued in the non-governmental organization series (*continued*)

Symbol	Agenda item	
E/CN.4/Sub.2/2001/NGO/15	2	Joint written statement submitted by the International Federation of Human Rights Leagues and the Lutheran World Federation, non-governmental organizations in special consultative status
E/CN.4/Sub.2/2001/NGO/16	2	Exposé écrit présenté par la Fédération international des Ligues des droits de l'homme, organisation non gouvernementale dotée du statut consultatif spécial
E/CN.4/Sub.2/2001/NGO/17	4	Exposé écrit présenté par la Fédération international des Ligues des droits de l'homme, organisation non gouvernementale dotée du statut consultatif spécial
E/CN.4/Sub.2/2001/NGO/18	4	Exposición conjunta presentada por escrito por el Centro Europa - Tercer Mundo, organización no gubernamental reconocida como entidad consultativa general, y la Asociación Americana de Juristas, organización no gubernamental reconocida como entidad consultativa especial
E/CN.4/Sub.2/2001/NGO/19	4	Exposé écrit présenté conjointement par le Centre Europe - Tiers-Monde, organisation non gouvernementale dotée du statut consultatif général, et l'Association américaine de juristes, organisation non gouvernementale dotée du statut consultatif spécial

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/2001/NGO/20	4	Exposé écrit pésenté conjointement par le Centre Europe - Tiers Monde, organisation non gouvernamentale dotée du statut consultatif général, l'Association américaine de juristes, l'Association internationale des juristes démocrates, la Fédération générale des femmes arabes, la Ligue internationale des femmes pour la paix et la liberté, la Ligue internationale pour les droits et la liberation des peuples, le Mouvement mondial des mères, Nord-Sud XXI, l'Organisation internationale pour l'élimination des toutes les formes de discrimination raciale, l'Union des juristes arabs, organisations non gouvernementales dotées du statut consultatif spécial, et l'Organisation internationale pour le progrés, le Conseil mondial de la paix, et International Educational Development, Inc., organisations non gouvernementales sur la Liste
E/CN.4/Sub.2/2001/NGO/21	4	Joint written statement submitted by the Europe-Third World Centre, a non-governmental organization in general consultative status, and the American Association of Jurists, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2001/NGO/22	4	Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status

Documents issued in the non-governmental organization series (continued)

Symbol	Agenda item	
E/CN.4/Sub.2/2001/NGO/23	6	Written statement submitted by Pax Christi International, International Catholic Peace Movement, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2001/NGO/24	6	Written statement submitted by the Japan Fellowship of Reconciliation, a non-governmental organization in special consultative status
E/CN.4/Sub.2/2001/NGO/25	2	Joint written statement submitted by Interfaith International, the International Association of Democratic Lawyers, the International Indian Treaty Council, the International League for the Rights and Liberation of Peoples, the Society for Threatened Peoples, non-governmental organizations in special consultative status, and International Educational Development, Inc., and Liberation, non-governmental organizations on the Roster

ANNEX VIII

Resolutions and decisions adopted by the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-third session

Total: 46
(Number of resolutions adopted: 24 - Number of decisions adopted: 22)

Document E/CN.4/Sub.2/2001/	Action taken	No.	Title[a]	Method of adoption[b]	Paragraphs of report
			AGENDA ITEM 1: ORGANIZATION OF WORK		
L.15	Resolution	2001/24	The Social Forum	Without a vote	52-56
	Decision	2001/101	Establishment of a sessional working group on the working methods and activities of transnational corporations under agenda item 4	Without a vote	17 (a)
	Decision	2001/102	Establishment of a sessional working group on the administration of justice under agenda item 3	Without a vote	17 (b)
L.47	Decision	2001/116	Measures to improve the functioning of the Sub-Commission on the Promotion and Protection of Human Rights	Unanimously	42-44
	Decision	2001/117	Request to the Commission on Human Rights to restore the fourth week of the annual session of the Sub-Commission	Unanimously	45-47
	Decision	2001/118	Composition of working groups of the Sub-Commission for 2002	Without a vote	48-49
			AGENDA ITEM 2: QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, …		
	Resolution	2001/1	Recognition of responsibility and reparation for massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, of colonialism and wars of conquest	Unanimously	60-62
			AGENDA ITEM 3: ADMINISTRATION OF JUSTICE		
L.3	Decision	2001/103	Issue of the administration of justice through military tribunals	Without a vote	67-69
L.4	Decisions	2001/104	Discrimination in the criminal justice system	Without a vote	70-73

Document E/CN.4/Sub.2/2001/	Action taken	No.	Title[a]	Method of adoption[b]	Paragraphs of report
			AGENDA ITEM 3 ADMINISTRATION OF JUSTICE (continued)		
L.7	Decision	2001/105	Scope of the activities and the accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (i.e. all operations of a peacekeeping or peace enforcement nature under a United Nations mandate)	Without a vote	75-78
			AGENDA ITEM 4 ECONOMIC, SOCIAL AND CULTURAL RIGHTS		
L.5	Resolution	2001/2	Promotion of the realization of the right to drinking water and sanitation	Without a vote	84-87
L.8	Resolution	2001/3	The effects of the working methods and activities of transnational corporations on the enjoyment of human rights	Without a vote	88-89
L.13	Resolution	2001/4	Liberalization of trade in services, and human rights	Without a vote	90-92
L.16	Resolution	2001/5	Globalization and its impact on the full enjoyment of all human rights	Without a vote	93-96
L.21	Resolution	2001/6	Optional protocol to the International Covenant on Economic, Social and Cultural Rights	Without a vote	105-108
L.25	Resolution	2001/7	The right to food, and the World Food Summit five years later	Without a vote	115-117
L.35	Resolution	2001/8	Implementation of existing human rights norms and standards in the context of the fight against extreme poverty	Without a vote	122-125
L.17	Resolution	2001/21	Intellectual property and human rights	Without a vote	97-104
L.24	Resolution	2001/23	Study on non-discrimination as enshrined in article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights	Without a vote	109-114
L.30	Decision	2001/106	Appointment of a commentator on the guidelines to be proposed in the final report on globalization and its impact on the full enjoyment of human rights	Without a vote	118-121
L.44	Decision	2001/122	The return of refugees' or displaced persons' property	Without a vote	126-130

Document E/CN.4/Sub.2/2001/	Action taken	No.	Title[a]	Method of adoption[b]	Paragraphs of report
			AGENDA ITEM 5. PREVENTION OF DISCRIMINATION		
L.12	Resolution	2001/9	The rights of minorities	Without a vote	139-140
L.14	Resolution	2001/10	Working Group on Indigenous Populations	Without a vote	141-144
L.31	Resolution	2001/11	World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance	Without a vote	158-159
L.48	Resolution	2001/12	International Decade of the World's Indigenous People	Without a vote	160-161
L.19	Decision	2001/107	The concept and practice of affirmative action	Without a vote	145-146
L.20	Decision	2001/108	The rights of non-citizens	Without a vote	147-150
L.27	Decision	2001/109	Final working paper on indigenous peoples and their relationship to land	Without a vote	151-153
L.28	Decision	2001/110	Discrimination based on work and descent	Without a vote	154-157
L.49	Decision	2001/111	A preparatory workshop on implementation of the recommendations relating to indigenous peoples contained in Agenda 21 of the United Nations Conference on Environment and Development	Without a vote	162-163
L.50	Decision	2001/112	Presentation of the report of the Working Group on Indigenous populations on its nineteenth session to the Permanent Forum on Indigenous Issues	Without a vote	164-166
			AGENDA ITEM 6. OTHER HUMAN RIGHTS ISSUES		
L.9	Resolution	2001/13	Traditional practices affecting the health of women and the girl child	Without a vote	180-181
L.18	Resolution	2001/14	Report of the Working Group on Contemporary Forms of Slavery	Without a vote	182-185
L.22	Resolution	2001/15	Situation of women and girls in the territories controlled by Afghan armed groups	Without a vote	186-187
L.33	Resolution	2001/16	International Protection for refugees	Without a vote	212-215
L.38	Resolution	2001/17	Reservations to human rights treaties	Without a vote	224-228
L.40	Resolution	2001/18	Terrorism and human rights	Unanimously	237-239
L.51	Resolution	2001/19	United Nations Voluntary Trust Fund on Contemporary Forms of Slavery	Without a vote	

Document E/CN.4/Sub.2/2001/	Action taken	No	Title[a]	Method of adoption[b]	Paragraphs of report
			AGENDA ITEM 6. OTHER HUMAN RIGHTS ISSUES (continued)		
L.32	Resolution	2001/20	Systematic rape, sexual slavery and slavery-like practices	Without a vote	205-211
L.29	Resolution	2001/22	International cooperation in the detection, arrest, extradition and punishment of persons guilty of warm crimes and crimes against humanity	Without a vote	197-204
L.23	Decision	2001/113	Human rights and bioethics	Without a vote	188-189
L.41	Decision	2001/114	Promotion and consolidation of democracy	Without a vote	240-241
L.42	Decision	2001/115	Humanitarian situation of the Iraqi population	Without a vote	242-246
L.2	Decision	2001/119	Human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering	Vote (21/2/0)	173-179
L.26	Decision	2001/120	The question of the trade, carrying and use of small arms and light weapons in the context of human rights and humanitarian norms	Without a vote	190-196
	Decision	2001/121	Adjournment of the debate on draft resolution E/CN.4/Sub.2/2001/L.37 [entitled "State cooperation with United Nations human rights mechanisms"]	Without a vote	216-223
			AGENDA ITEM 7. DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT		
-	-	-	-	-	-

[a] The titles of agenda items have been abbreviated, where appropriate.

[b] In the case of a vote, the figures in parentheses represent: votes in favour/votes against/abstentions.
